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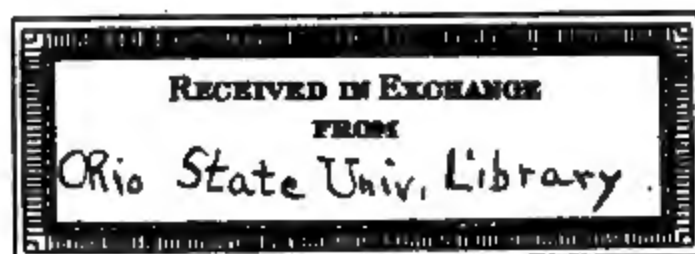
OHIO STATE UNIVERSITY

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Ohio General

JOURNAL OF

THE STATE

BEING THE

OF

FIFTY-SECOND GENERAL

COMMENCE

Monday, January

(BEING THE THIRD SESSION UNDER

VOLUME

COLUMBIA

STATESMAN STE

1856.

Monday, January 7, 1856.

Mr. Matthews, from the Joint Select Committee appointed to wait upon the Governor, reported :

That they had performed the duty assigned them, and that the Governor would communicate with the Senate and House of Representatives this day in writing.

The following Message was then received, by the hands of Lot L. Smith, Private Secretary to the Governor, and read at the Clerk's desk :

GOVERNOR'S ANNUAL MESSAGE.

Gentlemen of the Senate, and House of Representatives :

In accordance with the requirements of the Constitution, and the biennial system of legislation which has been thereby established, you have assembled in your official capacities to take into consideration the condition of our public affairs, and to prepare and pass such laws as the experience of the last two years and the interests and wants of the people may appear to demand.

The first year of the biennial period which has just elapsed, was attended with the various trials and vicissitudes incident to all human associations. The extraordinary drought that prevailed throughout this and most of the other States of the Union occasioned a very general failure of the crops, and the consequent reaction that occurred in the monetary affairs of the country caused much solicitude, and retarded, to some extent, the progress of public as well as of individual improvement.

The great abundance and rich returns of the last year, however, fully compensate the deficiencies of its predecessor, and afford ample cause for gratitude to that beneficent and all-wise Being who directs all things for the best, and whose goodness and favor are apparent in the still increasing happiness and prosperity of our people.

In complying with the provisions of the Constitution which make it my duty to communicate to the General Assembly the "condition of the State," and to recommend such "measures" as in my judgment may tend to promote the public welfare, I invite your attention, in the first place, to the accompanying reports of the several State officers. They have been prepared with much care and ability, and contain a full and detailed exposition of the operations and present condition of their respective departments.

I entered upon the duties of the chief Executive office of the State, under an impression, which subsequent experience has only tended to strengthen, that too great a laxity of practice prevailed in certain branches of the public service, from which serious evils might possibly result. The laws regulating the administration of these branches had been adopted under circumstances widely different from those which now surround us, and the few simple safeguards that were formerly deemed sufficient, could be no longer regarded as adequate to the varied and greatly increased business entrusted to their care. Our county and other local organizations, especially, were without those limitations and restrictions which are necessary in all public institutions.

This state of things could not fail, if continued, to exert an unfavorable and demoralizing influence on the affairs of Government; and I availed myself of the earliest opportunity that was afforded me to recommend such legislation in reference to this subject as was most likely in my judgment to effect the required reformation. Much has certainly been accomplished, but the failure of the General Assembly to adopt and carry out my suggestions more fully, has retarded the matter, and imposes on me the necessity of again calling attention to the subject.

I took occasion in my former message to develop with unusual minuteness, through comparative tabular statements, the financial action of every department of the State, as well as of the local governments, for the previous ten years; and now propose to continue the exposition to the present time.

I refer you with equal confidence and pleasure to the last two reports of the Auditor of State for any information you may desire in relation to our financial affairs. The untiring industry with which that officer has attended to his public duties, and the care and fidelity which he has always displayed in guarding the treasury of the people, constitute his administration an epoch in the history of our financial transactions.

From these reports, it appears that the State treasury has been the recipient of the following revenues during the past two years :

	1854.	1855.
Proceeds of State Taxes, including delinquencies, viz :		
For State expenses.....	\$559 131 64	\$566,448 06
For interest and principal of State debt	1,118,263 26	1,014,749 49
For State Common School Fund	1,118,263 26	1,209,418 19
For District School Library Fund	55,913 16	80,639 75
Total State Taxes	2,851,571 32	2,871,255 49
Canal Tolls, Fines and Water Rents.....	474,264 28	444,827 76
Proceeds of Lands sold by Board of Public Works	3 060 67	4,944 73
Dividends on Canal, Railroad and Turnpike Stocks	39,813 13	33,400 25
Tolls on National Road.....	15,754 59	2,305 64
Rents from Lessees of National Road.....	2,400 00	3,705 00
Tolls on Western Reserve and Maumee Road	2,677 37	2,141 04
Proceeds of sales of School and Ministerial Lands	149,748 82	127,061 81
Rents from Virginia Military School Lands.....	2,903 51	2,270 37
Ohio University—Instalment on Loan	512 84	513 84
Proceeds of Convict Labor, etc., of Ohio Penitentiary	33,522 40	64,249 69
Principal and Interest of Surplus Revenue.....	106,250 82	52,906 66
Sales of Canal Lands	1,023 63	208 00
Auction Duties and Peddlers' Licenses.....	6,589 88	4,415 40
Show Licenses (Agricultural Fund).....	4,120 15	2,699 34
Three Per Cent. Fund.....	9,368 41	2,609 04
Expenses of Free Banks refunded	7,359 40	4,223 71
Miscellaneous Items	5,261 58	7 362 51
Balance in State Treasury, 15th November	762,830 57	564,661 00
Totals	4,477,934 00	4,398,398 39

The revenue received through taxes levied upon the grand duplicate, placed at the head of each column, are the proceeds of taxes levied and collected the year previous; a fact which it is necessary to observe, in order to fix correctly the responsibility of the respective levies. That returned in the column of 1854 is the first under the present valuation of real estate. The proceeds of the taxes levied in the year just past will go into the revenue of 1856.

The following are the disbursements from the State Treasury, for all purposes, during the same period :

	1854.	1855.
Common School Fund	\$1,107,218 88	\$1,218,394 60
Distric School Library Fund	52,158 45	84,095 35
Interest on the public debt	1,003,486 66	977,345 69
Redemption of the public debt	698,360 32	466,681 01
Expenses of New York Transfer Agency, (3 years).....		11,736 18
Superintendence and repairs of the canals	339,347 99	290,571 56
Superintendence and repairs of National Road	24,009 39	2,519 83
Executive Officers.....	7,901 99	7,394 46
Commissioner of Common Schools and Librarian	2,037 67	2,040 00
Judiciary	53,701 47	56,164 83
Reports of Supreme Court.....		1,119 60
Ohio Legislature.....	78,131 68	105 00
Printing—Legislative and Executive	19,248 77	6,403 13
Stationery	22,852 13	6,235 67
Distribution of Laws and Journals.....	1,975 99	509 51
New State House.....	103,429 85	111,633 80
Deaf and Dumb Asylum	14,901 59	14,838 03
Blind Asylum	12,059 21	12,954 22
Lunatic Asylum, Columbus	76,949 93	26,294 06
New Lunatic Asylums, Newburg and Dayton.....	118,407 44	62,665 04
Officers and Guards of Ohio Penitentiary	21,852 63	22,890 51
General expenses of Ohio Penitentiary	33,682 46	41,202 05
Prosecution and transportation of Convicts	27,932 13	22,367 44
Clerks in public offices	9,587 46	12,814 33
Military—Public Arms, &c.....	1,711 98	1,704 23
Rents of Virginia Military School Lands.....	3,225 63	2,903 51
Governor's Contingent Fund	1,010 55	760 46
Advanced to counsel by order of Legislature, and to Colum- bus Lunatic Asylum, from same.....	3,470 00	7,256 31
Auditor's Contingent Fund	2,044 58	1,726 30
Treasurer's Contingent Fund	1,797 58	1,285 57
Secretary's Contingent Fund.....	1,967 69	864 92
Attorney General's Contingent Fund	278 71	163 14
School Commissioner's Contingent Fund	283 46	911 81
Expenses of the Library	378 07	2,133 28
Furnishing Legislative halls	3,299 48	900 00
Claims allowed by Legislature	1,293 00	
Treasurers' mileage	1,694 91	1,609 93
Tax not refunded	4,282 81	3,084 10
Fuel and Light	1,474 23	590 22
State Board of Agriculture.....	3,000 00	3,000 00
Swann's Revised Statutes	12,500 00	2,500 00
Ourwen's Revised Statutes	7,094 51	
Expenses of Free Banks	6,165 00	4,499 63
Three per cent. Fund paid to counties.....		8,293 12
State Board of Equalization	7,097 40	2 50
Miscellaneous Items	6,467 08	6,408 30
Total amount of Auditor's Drafts issued.....	3,899,770 75	3,509,574 23
Total amount of Auditor's Drafts redeemed	3,893,253 00	3,512,484 20
Cash balance in State Treasury, 15th November.....	584,681 00	703,370 08

This places before you the receipts and expenditures of the State Government during the last two years, and there is no difficulty in ascertaining the departments in which increased or diminished expenditures or revenues have taken place. To determine, however, whether the State authorities or those of the counties, townships and cities, are responsible for the high taxes complained of by the people, we must examine into the various amounts levied by these several authorities; and for this purpose the following tabular statement has been prepared, exhibiting the taxes levied for the specified purposes in the years named:

	1854.	1855.
Number of acres	25,063,032	\$25,220,083
Value of lands	\$421,245,467	\$432,261,785
Value of towns	140,622,943	145,596,754
Value of chattels	297,061,572	283,017,815
Total taxable valuation	\$866,929,982	\$860,877,354
STATE TAXES.		
For sinking Fund	\$1,083,662 46 9	\$860,877 35 4
For General Revenue	606,750 98 2	516,526 41 2
For State Common Schools	1,300,394 97 4	1,291,316 02 7
For District School Libraries	86,692 98 4	86,087 72 3
Total State Taxes	\$3,077,611 40 9	\$2,754,807 51 6
COUNTY TAXES.		
For county expenses	\$1,148,565 67 0	\$1,182,562 29 2
For bridge purposes	316,677 60 4	332,078 65
For poor purposes	187,962 98 5	238,322 84 5
For building purposes	463,877 16 2	272,538 05 2
For road purposes	370,025 99 2	364,715 12 1
For railroad purposes	238,757 53 6	316,072 06 5
Total County taxes	\$2,725,196 94 9	\$2,762,305 02 8
OTHER LOCAL TAXES.		
For township expenses	\$292,939 13 0	\$302,841 50 0
For school and school house	1,295,424 83 6	1,246,346 00 8
For city and town expenses	1,322,192 11 9	1,194,093 57 5
For other special purposes	155,872 29 7	200,366 91 7
Total township, city and special taxes	\$3,072,428 38 2	\$3,943,618 00 0
Delinquencies and forfeitures	\$217,112 75 7	\$493,781 35 3
Total local taxes	\$6,014,738 06 8	\$6,199,704 38 1
Total taxes on duplicate	\$9,092,339 49 7	\$8,954,511 89 7

I was anxious to present in a tabular statement such detailed information in reference to our county, township and city transactions, as would enable the people to compare their own local administrations with those of other portions of the State. I found, however, that this was not attainable at the seat of government without much labor, and certain additional facts which those organizations themselves can alone supply. Existing laws provide for the publication at home of the amount of

their levies, collections and expenditures; but it would greatly facilitate the object in view if the affairs of each county, township and city administration were annually published, in a condensed form, for general information throughout the State.

Such comparisons and suggestions would naturally spring from these expositions as would gradually lead to the adoption of the desired restraints upon their action, and eventually to more healthy legislation on the subject.

Of the fees of the county, township, and other local officers, no account appears to be kept which is accessible to the public—a matter to which I again call the attention of the General Assembly, and respectfully suggest that a law be passed requiring every public officer, compensated by fees, to keep an accurate account of his receipts and expenditures, and transmit the same to the appropriate department, at the seat of government, with the view that a general synopsis of such accounts be published once a year for the information of the people of the State. These local officers are generally lucrative, and it is believed that not less than two millions are annually collected by fees from the people, and I can see no good reason why the latter should not be able to ascertain the compensation which severally received by their own agents. It is almost impossible to secure proper legislation on this important subject while so little tangible information is before the General Assembly.

The preceding statements contain, it is believed, all the information that is necessary, with the accompanying reports and exhibits, to enable you to see in what particular divisions of the public service, and for what objects, the exactions are improperly high, and where our efforts should be especially directed to bring about a reduction. The local causes which have so disproportionately swelled the burdens of the people, you, coming from all parts of the State, can no doubt explain to each other.

In reference to these causes, however, and especially the fees of county and other local officers, it would prove of much assistance in your deliberations, if, in the early part of the session, you would order suitable inquiries to be addressed to the proper authorities.

All will admit that the public burdens, for a government happily so very circumscribed in its sphere as ours, are high beyond apology. True, high taxes are not of themselves conclusive evidence of bad, nor low taxes always proof of a good government, yet the amount is a matter proper for comparative inquiry, especially, where the rise is sudden. Such examinations lead to reliable information, both as to the amount, and, which is a more important point, the purposes to which the money is applied. Sound political economy does not rest on any specific amount of taxation, but rather on such an administration of public affairs, as, guided by a proper spirit of frugality and republican simplicity, discharges scrupulously every duty essential to the public welfare. Every financial transaction should be subjected to the most rigid accountability, and all misapplications of the public money be severely punished.

Public virtue is essential to the maintenance of republican government, and he is the most dangerous offender who attempts to undermine or destroy it.

The people of Ohio justly complain of high public exactions. They have deputed you to reduce them. Every property holder in the State enjoins this upon you as your first great duty. But reform, to be beneficial, must take the right direction. To produce high taxes, or to connive at exorbitant fees and salaries, is wrong; but to misdirected endeavors to correct public abuses is no less mischievous. Unmatured wholesale reductions of fees and salaries are sure to be soon repealed. Such measures always lose to the people the real reform which they demand. True reform first ascertains carefully where extravagance and malfeasance exist. It exposes and corrects them. It screens no public abuse from merited obliquy, and

yet it shields from unjust, sweeping censure the upright public servant. It examines into and therefore understands public evils, and the laws which follow become, in consequence of their wise discrimination, the permanent policy of the State.

Questions arising out of and connected with public revenue, have been vexatious in all ages and in all governments. They are so in ours. Taxes, whether levied by a monarch's arbitrary will, or through the legal action of popular government, are unpleasant to those who pay them. The number of those who are anxious to share the expenditures of government, is far greater than those who volunteer to contribute towards them. Propositions to deplete the Treasury for objects of speculation, ornament and pride, find frequently more supporters than those of acknowledged general utility. The revenue officer who collects the taxes rendered necessary in consequence of some ill-advised appropriation, is always blamed, while he who occasioned them, often escapes the public censure. The Constitution wisely provides "that every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied." If this provision, in its full meaning and intent, were properly carried out so as to enable the public to fix with certainty the responsibility of taxes upon those who really occasion them, it would, to a great extent, guard against inconsiderate public outlays. Profligacy would be earlier exposed and the required reform applied in season to prove a remedy.

We should discriminate between the mere machinery for the collection of taxes and the influences leading to, and the authorities directing the levy. Our revenue laws should afford to the tax-payers frequent and early opportunities to watch, judge and direct our financial policy. The fewer indirect and special taxes we have, the less chance there is to conceal improper expenditures, and the more certainly will the rise and fall of direct taxes indicate the financial quality of our government. We are rapidly approaching the period when our direct property taxation will afford such indications, unless we purposely counteract this tendency. Special taxes are becoming inoperative, their levy indeed being of doubtful constitutionality. The extraneous revenues to the State Treasury are likewise constantly diminishing, and nearly all our resources will soon have to be derived through the grand duplicate. We shall then, with greater certainty and simplicity in our finances, have the unerring index above alluded to.

The constitutional provision upon the subject is a guaranty against arbitrary taxation. Heretofore such a guaranty has been secured to corporations alone, through judicial interposition; now they and the people equally enjoy it by constitutional rule. In other governments the taxing power is without limitations; in ours it is restrained to a property tax. The power to borrow is also wisely confined within very narrow limits. Under such a system financial abuses cannot be long concealed, because the amount of taxation will indicate to each tax-payer the degree of economy or wastefulness that may at each period characterize the government. The fact that taxes are one thing, the tax law another, will then become apparent to all; and we will look to the General Assembly, and to the local authorities of the State, for a reduction of taxes, rather than to Executive officers. Any attempt to reduce the taxes in the aggregate by a mere change in the mode and manner of collecting them, will prove as futile as an attempt to change the weather by breaking the barometer. Real retrenchment, to have a lasting effect, must spring from and be maintained by General Assemblies whose economy and watchfulness shall reflect the wishes of a frugal and enlightened people.

I feel great solicitude that the system of requiring *all* State expenditures, of every description, to be brought under the revision of the chief financial officer of the State, shall be strictly and permanently adhered to. This is demanded by the Constitution as well as by sound policy. It operates as a preventive of malpractices which had hitherto defied all attempts at reform.

The contracts recently entered into by the Board of Public Works for the repairs of the canals, involving an entire change of policy on that subject, have elicited a very general public discussion. The saving to the State by this change amounts to ninety-three thousand one hundred and seventy-two dollars per annum, when compared with the average expenditure of the last six years, and will no doubt exceed that sum under future lettings. The contract system has many advantages over the policy that has been hitherto pursued, and I am inclined to think should be permanently adopted. The success of any system, however, involving so large an expenditure of the public money, depends in a great measure on the manner and spirit in which it is carried out. A very general publicity of the lettings, and the confidence of the people in the impartiality and fairness of the awards, are elements without which it can never become beneficially established.

The contract system is increasing in importance and extent, and will, no doubt, gradually supersede the employment of regular officers in many of the departments of the public service. The change, in many instances, would be a healthy one, and should, in my judgment, be encouraged by the passage of such laws as would allay all apprehensions, and fully secure the confidence of the people. We are accustomed to the responsibilities and restrictions imposed by law upon public officers, and the same reasons should induce us to adopt similar statutory regulations and safeguards in reference to public contractors. If all inducements to do wrong on the part of the agents of government were effectually removed, there would be little or no grounds for popular distrust. I therefore suggest the propriety of a general law on the subject of public contracts, embracing those that may be entered into on the part of counties, townships, and other corporations, as well as on the part of the State.

The irresponsible and extravagant system of administration which prevails in some of our counties and cities, furnishes the principal cause for the exactions which are so generally complained of. There public contracts are granted to favorites, which occasion the most lavish expenditures. There, also, we find officers with incomes which shock all correct ideas of public compensation. These things have their effect upon the general tone of our public morals. County reform is a duty enjoined by every consideration of public virtue. Some who suffer under these evils denounce the tax-law without much consideration as the cause of the heavy burdens under which they are laboring; but a little closer reflection would show them that it is the taxes, not the tax-law, which are exorbitant, and that the tax-law is but the unwelcome witness. The local treasuries should be brought under the same systematized restraint as the State treasury. The heavy drafts upon them under pretence of some law, must be effectually checked, and the requirements of the constitution that "no money shall be drawn from any county or township treasury except by authority of law," must be rigorously enforced. The General Assembly should distinctly designate the specific authority upon whose appropriation the public moneys shall be disbursed. Our courts have been in the habit of ordering county auditors and treasurers to pay out moneys for purposes of personal convenience—an exercise of power for which I can find no warrant in the constitution. These orders are only obeyed from a fear of the apparently unlimited power of the courts to punish for contempt. The fees of county officers should be thoroughly revised, and the laws providing for removal from office and other punishments for peculation, should be made more stringent.

Some two or three of the larger counties of the State, might be supplied with Boards more numerous than that of the present county commissioners. The public interests would be better guarded, and the power to levy taxes and make appropriations be brought under a greater degree of responsibility. The separation of civil from criminal business, with distinct officers for each court, would also facilitate the business of such counties without any increase of the public expense.

As to the mere machinery for the collection of the taxes, it must be admitted, as a general truth, that all such enactments are but approximations to what should be their legitimate objects, viz: their equitable apportionment among the individuals composing it. Private ingenuity counteracts the best designs of the legislator; and many persons often succeed in pushing their own proper burdens upon others.—Frequently, too, the Legislature uses the taxing power for favoring or discouraging special interests or objects. This was so long and so generally acquiesced in, that the idea became prevalent that taxes are levied, not so much for purposes of revenue, as for those of favoritism or oppression. Hence, we find persons denouncing taxes, although imposed by general laws, as being aimed at the destruction of their particular class; and, hence, it likewise is, that we find them demanding exemptions for certain special objects, because, in their opinion, they deserve to succeed.

These appeals to the favor of our Legislatures have in many instances been successful. The valuation of improved lands in a state of nature, which was the rule previous to 1846, was intended as a favor to the agricultural interest. The exemption of tools and machinery was designed as an encouragement to the mechanics and manufacturers of the State. Taxing banks on their profits only was held out as a bonus for foreign capital; while the exemption of property appropriated to educational and charitable purposes, was intended as an approval of those objects. Under this policy the duplicate decreased until it embraced only about one-fourth of the actual wealth of the State. Attempting to favor every deserving object in society multiplied the pleas for further exemptions, and there was danger that the true idea of taxation would be entirely lost. As a natural consequence, various special taxes were imposed, which, however, produced but little revenue.

In 1846, a change in our financial system occurred. Annual deficits compelled the Legislature to return to what should be the primary object of all tax laws, to wit: the collection of revenue. Previous errors were then in part remedied, but many very flagrant ones were continued from ill-advised partiality. A new tendency was, however, inaugurated; and the rule of equality in taxation gained constant strength, in spite of opposing interests. The Constitutional Convention met under these auspices, and the tax rule established in the constitution was the result. Its great principle is the abrogation of all arbitrary taxation. Man, as such, his business, occupation, and profession, are no longer subject to legislative caprice.—Property is the measure and basis of taxation. A few exemptions for objects of almost universal interest are authorized, but in such a manner that they can never become independent of the popular will.

The first General Assembly under the new constitution passed such tax laws as were supposed to be in accordance with its requirements. Differences of construction arose, as was to be expected, and were very properly referred to the Court, whose decision has been acquiesced in by the great body of the people.

It is not denied that the rule referred to has produced occasionally some hardships, but it is equally true that these hardships would be scarcely observable, if, instead of supporting exemptions and deductions, we would make the grand duplicate represent the entire wealth of the State. It is estimated that no less than three hundred millions of property in the State escaped taxation.

A careful examination of the question will suggest many reasons adverse to any precipitate or unadvised changes in our tax laws. All agree that property shall be taxed where it is by a uniform rule, that the resident and non-resident owner shall pay his due proportion, and that this proportion shall include State, county, township and city taxes. The tax is on the property within the State, and not on its inhabitants. The lien for the tax is not upon the owner, but on the property. It makes no difference whether the property is owned by residents or non residents. Possession and not ownership, is the point of inquiry. A New York merchant

doing business in our State will not be asked whether his capital is his own or borrowed. The whole stock found in his possession is the measure of his taxation. Our own merchants are treated precisely in the same way. A different rule would obviously work serious injustice to Ohio merchants, because with deductions for credits, foreign merchants might trade in our State without paying one dollar of taxes. Again, Virginians own lands in Ohio. They owe a portion of the purchase money either in one or the other of these States. Shall the township or city in which the land lies lose the right to levy a fair proportion of taxes upon the lands in question? The rule of deduction for debts would evidently work endless confusion. Take the case of one of our own citizens, many of whom own both real and personal property in more than one locality, and are indebted for a part of the same:—where shall the deduction be made? Shall it be at their own option?

The doctrine so frequently advanced that "man should be taxed only on what he has and not upon what he has not," does not in fact apply to our system of taxation. Our duplicate lists the visible property in the State, and not the persons. A large number of the inhabitants of the State are not upon it, while it contains the names of many who reside beyond its limits. This is a sufficient answer to such avowals.

Simplicity, both of detail and principle, is an important element in the construction of all revenue laws. Evasions multiply with exemptions and deductions, and the individual tax-payer will be apt, through mental reservation, to enlarge the sphere for which the legislator has set him the example. He, too, has favorite objects which he thinks it hard to tax. The more generally we adopt the principle of taxing equally all property, the more equitable and fair will be its effects. Their unequal operation, rather than their amount, makes taxes oppressive. In our State, tax inequalities are necessarily unjust. Every dollar that is remitted to, or withheld by, one person, must be made up and paid by others. The amount of taxes is not reduced by suffering property to escape; the only result is that the taxes are unjustly levied. Exemptions and deductions but mar the uniformity and equality of our tax laws, and for this reason, if for no other, there should be as few allowed as possible.

An equal tax on property based on these rules, with few exemptions and reductions, leaves very little opportunity for individual evasions. Its assessments and valuations are more easily perfected; they may be made quicker, and yet be far less inquisitorial. Such a system must eventually recommend itself to all as the one best adapted to our circumstances as a people. Under it the measure of taxation would be based upon a general principle—that principle would be enforced by the people themselves. They would watch and expose individual failures to list, and thereby carry out the honest object of the law. Then the people will soon habituate themselves to look for and detect the true cause of any increase in the taxes, and their reformatory efforts being rightly directed, would always be successful.

The preceding remarks are not intended to preclude all amendments to our tax law. On the contrary, it is admitted that several might be made which would render them more efficient. The assessments and valuations of personal property, especially, should be accelerated, so that little if any property could be listed twice. There is no reason why, by proper sub-divisions, it could not be done within a few days. This would not increase the expense. The phraseology of the tax law might also be made more definite in many instances. The word "credits" should be so qualified as to include only such outstanding dues as have assumed a definite shape and value. Thus equalizing and perfecting our tax laws, and regulating and reducing the taxes themselves, by imposing proper restraints on the authorities that levy and expend them, we shall have true public economy, light expenditures, and a wise distribution of the same, together with a faithful application of the peoples' money to the frugal purposes of a democratic government.

Intimately connected with the tax laws is the custody of the public money between its collection and disbursement. The money collected upon the grand duplicate in one year is not disbursed until the year following, so that much of our public revenue remains one year and more in the State or County Treasuries. Evils have arisen from this which require early attention. Our revenue officers have thus been tempted to use the public funds for purposes of private emolument. The pernicious influences that must necessarily flow from such malfeasance, to say nothing of the danger to which the public treasure is exposed, are too obvious for comment.

Nor would it change the matter by depositing the public funds with banks. The best treasuries of a free and intelligent people are their own pockets, and no government has any right to deprive its members of their means, one moment sooner or longer, than is unavoidably necessary for the public service. From these considerations, I would respectfully suggest that our assessments, valuations, and everything connected with the making up of the grand duplicate and the subsequent collection of the revenues, be so arranged as to bring the collection and disbursement of our taxes within the same year. After careful deliberation I can see no insurmountable obstacle to such an arrangement. The acceleration of the assessments is, as already suggested, dictated by other reasons. Everything relating to the preparation of the grand duplicate being paid by the day and the amount of work, it is easily seen that the expenses of accelerated action would not be greater than at present. If, in addition to this, the taxes could be collected semi-annually, instead of annually, as they now are, they would be far less severely felt by the people. Their present collection occurring at the very period when money is most needed for the produce and provision business of the country, aggravates their exactions. At all events, the most stringent laws should at once be passed against the private use of the revenues of the State, which no well organized government will permit for a moment.

Several of the appeal cases, in reference to the question of bank taxation, are still pending before the Supreme Court of the United States. I have no official information as to the time when a final decision may be expected.

Two cases, the Piqua Branch Bank, *vs.* the Treasurer of Miami county, and the Ohio Life Insurance and Trust Company, *vs.* the Treasurer of Hamilton county, involving the right of the State to tax banks, were tried in the Supreme Court of the United States, at the May term, 1854—George E. Pugh, and R. P. Spalding, appearing as counsel on the part of the State. The decision was against the State in the first case, and for it in the second. The Court was not unanimous in either decision. The cases are both reported at length in the 16th volume of Howard's Reports.

I cannot disguise the humiliation I feel at seeing the sovereign State of Ohio arraigned and placed on trial before that tribunal by certain corporations within her own boundaries, because in an hour of misplaced confidence, she bestowed upon them undue privileges and exemptions. She has violated no contract with these corporations, while they have scarcely made an effort to accomplish the purposes for which they were created. Instead of furnishing a currency equal to, and redeemable in specie, they have too frequently flooded the country with depreciated bills.

The taxes on the people of the State have been nearly trebled since these institutions were established. They have borne the expenses of an extensive and costly system of internal improvement: Avenues of commerce, of industry and trade, have been opened in every part of the State, and while these banking corporations are the greatest beneficiaries from those several enterprises, they refuse to share with the people the heavy burdens which have been thereby occasioned.

They defy alike the force of public opinion, the determination of the Constitutional Convention, the laws of the State, and the decision of our highest judicial tribunal;

and persist in claiming that, if taxed at all, it must be by a different rule from that of individuals—on their profits only, and not on the value of their property. Ten millions of property dictates to a duplicate of eight hundred and fifty millions! Under these circumstances I cannot do otherwise than recommend an unyielding adherence to the just and honest principle of equal taxation.

Banking privileges still more extensive, I am told, are to be asked at your hands during the present session. It is a source of some gratification, however, to know that the present Constitution opposes an insuperable barrier to the tax exemptions that were formerly so unwisely and inconsiderately granted.

The report of the special agent appointed in 1854 by the Auditor and Secretary of State to examine into the condition of the Free and Independent Banks of the State, will be laid upon your tables. It abounds in information, and contains many useful and practical suggestions in relation to the evils of the system at present pursued, and the supposed appropriate remedies. The subject of banking has occupied a large share of the public attention for years, as these institutions, in entering the halls of legislation and asking for privileges that are denied to the individual members of community, have succeeded, whether intentionally or otherwise, in giving to it a political bearing.

So great is the power which the authority to issue and circulate notes as money confers over the commercial and other business relations of life, that the necessity of protecting the people from probable injury and loss has always been felt and acknowledged; and hence we find the General Assembly at almost every session attempting to regulate the currency; with how much success is known to every one.

The experiment is to be tried again, but the opinion is fast obtaining ground that neither commerce or credit is benefitted by legislative interference.

The amount and condition of our State liabilities may be obtained from the following table:

	Amount out- standing Janu- ary 1, 1854.	Am't redeemed by Commis- sioners of the Sinking Fund during 1854 and 1855.	Amount out- standing Janu- ary 1, 1856.
Five per cent. stock, payable at the pleasure of the State after 1856.....	\$150,000 00	\$64,650 00	\$85,350 00
do do do do 1865.....	1,025,000 00	.....	1,025,000 00
Total five per cent.....	1,175,000 00	64,650 00	\$1,110,350 00
Six per cent. stock, payable at the pleasure of the State after 1856.....	\$3,292,132 72	\$868,772 93	\$2,423,359 79
do do do do 1860.....	6,666,335 53	253,010 26	6,413,325 27
do do do do 1870.....	2,183,531 93	.....	2,183,531 93
do do do do 1875.....	1,600,000 00	.....	1,600,000 00
Total six per cent.....	13,742,000 18	1,121,783 19	12,620,216 99
Total Foreign Debt.....	\$14,917,000 18	\$1,186,433 19	\$13,730,566 99
Domestic Bonds bearing interest.....	\$298,685 00	\$23,300 00	\$275,385 00
do do not bearing interest.....	2,443 70	100 00	2,343 70
Total Domestic.....	301,128 70	23,400 00	277,728 70
Total Foreign and Domestic.....	\$15,218,128 88	\$1,209,833 19	\$14,008,295 6

In my last message, I called the attention of the General Assembly to the loan payable January 1, 1857, then amounting to \$3,442,132 79, and recommended its payment at maturity. An additional levy of less than three-fourths of a mill for each of the three years to ensue would have liquidated this indebtedness, and there would have been no difficulty in meeting the loans subsequently to become due. My views on this subject have undergone no change; on the contrary, the reflection I have since given this question has only tended to strengthen the conviction that the payment of the public debt, as it matures, should be regarded as the established policy of the State. Any proposition, however specious it may be, which tends to prolong the period of its extinguishment, will be looked upon with extreme suspicion, and Ohio should never again enter the money or stock market of the country, except impelled by some pressing necessity. Whether such necessity exists at present in respect of the loan due January 1, 1857, is a question which I submit to the wisdom of the General Assembly; but candor compels me to state that the payments on account of that loan, since the recommendation referred to, have been \$933,422 93, leaving \$2,508,709 79 still to be paid, mainly by the levies of a single year. What would have been, comparatively, a light burden, if spread over the levies of three years, becomes onerous if imposed upon one. In yielding, very reluctantly, the opinion that the loan of January 1, 1857, should be paid in full at maturity, the same reasons which influenced my former recommendation require that as great a sum as can be levied, without imposing unreasonable burdens upon the people, should be raised by taxation, and that all the other means in the possession of the State should be made available for this purpose.

The State owns stock in the following Turnpikes, Railroads and Canals, to the amount nominally indicated :

TURNPIKES.

Batavia Turnpike and Miami Bridge.....	\$39,250 00
Cincinnati, Montgomery, Hopkinsville, Rochester and Clarksville	59,400 00
Cincinnati and Harrison	86,050 00
Cincinnati and Hamilton.....	44,850 00
Cincinnati, Columbus and Wooster..	75,800 00
Cincinnati and Xenia.....	178,650 00
Circleville and Washington.....	71,906 00
Coleman, Oxford and Brookville ..	85,775 47
Dayton and Springfield.....	55,450 00
Dayton and Covington.....	51,480 09
Dayton, Centerville and Lebanon	49,450 00
Dayton Western.....	66,900 00
Great Miami	57,199 89
Goshen, Wilmington and Columbus.....	102,725 00
Hamilton, Springfield and Carthage.....	33,450 00
Hamilton, Rossville, Darretown, Oxford and Fairhaven.....	49,742 00
Hamilton, Rossville, Somerville, Newcomb and Eaton.....	49,925 00
Jefferson, South Charleston and Xenia.....	42,300 00
Marietta and Newport	15,000 00
Milford and Chillicothe.....	162,346 63
Ohio Turnpike.....	55,000 00
Portsmouth and Columbus.....	78,369 87
Ripley and Hillsborough.....	50,575 00
Sentbenville, Oadis and Cambridge.....	39,694 20
Urbana, Troy and Greenville.....	22,175 30
Total amount of Turnpike Stocks	1,567,463 44

CANALS.

Cincinnati and Whitewater.....	\$150,900 00
Pennsylvania and Ohio	420,000 00
Total amount of Canal stock.....	570,900 00

RAIL ROADS.

Little Miami Railroad Stock.....	\$221,200
Mad River and Erie Railroad Stock.....	395,400 00
" " Dividend Bonds	43,000 00
Mansfield and Sandusky City Railroad Stock	33,333 00
Total amount of Railroad Stocks and Dividend Bonds.....	693,333 00
Total amount of Stock held by State in Turnpikes, Canals and Railroads	<u>2,850,796 44</u>

The policy of uniting or entering into partnership with individuals or companies for the construction and carrying on of enterprises like these, has long since been abandoned. These stocks should therefore be sold at whatever prices they will command, and the proceeds be applied to the payment of the State debt. Their cash value is estimated at from eight hundred thousand to a million of dollars.

If the policy of a renewal of a portion of the loan due January 1857, be adopted by the General Assembly, it will then be worthy of the most serious consideration whether the renewal shall be for a single period, or so arranged with reference to the maturity of the other debts of the State, as to have for each year a sum falling due, to be absorbed by the operations of the Sinking Fund. —

I am well aware of the temptation afforded by the premiums which can be obtained for the stocks of a State occupying the proud financial condition of Ohio, if the loan should have a long time to run. I know that at least fifteen per centum could be commanded for a twenty years loan, and that this would amount, on a renewal of two millions, to three hundred thousand dollars. But we must not shut our eyes to the fact that the credit of Ohio is strong because of her persistence in the determination to relieve herself of all indebtedness—a policy which is now secured by the sacredness of constitutional obligation—nor to the fact that premiums upon renewals depend upon the condition of the money market, which is controlled more by the state of Europe, than by the condition of affairs in Ohio. Besides, the opinion that a postponement of the further payment of the public liabilities would, to that extent, diminish the taxes, is proved to be erroneous as well by experience as a correct appreciation of the very plainest principles of political economy. The usual effect is the application of an equal or still greater amount to other and less useful objects.

But this matter is placed in so clear and satisfactory a light by the simplest computation, that further argument or illustration is unnecessary.

Assuming a partial renewal of the loan of January, 1857, for.....	\$2,000,000
The State for a loan of twenty years receives a premium of fifteen per cent., or...	300,000

Receipts at the Treasury.....	2,300,000
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But at the end of twenty years this debt is to be paid, and the disbursements have been as follows :

Principal.....	\$2,000,000
Interest for twenty years.....	2,400,000

Paid out.....	4,400,000
Deduct amount received.....	2,300,000

Loss to the State.....	<u>2,100,000</u>
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And this result is accomplished without any computation upon interest, which must be paid semi-annually—must be collected a year in advance of its disbursement, and charged with per centages to the Treasurers collecting it, and the expense of its transmission to New York. Such losses may be submitted to by a

State which cannot pay its debts, but the people of Ohio would cheerfully submit to an additional tax of three-fourths of a mill, with the knowledge that after January, 1857, even that rate of taxation would steadily and largely diminish.

Such a system is adapted to special not to general interests, and can only commend itself to the approval of those who think that "a public debt is a public blessing." Public faith should be kept to the people as well as to the creditor. Many of our counties and cities, with other corporations, are deeply involved. The present high credit of the State which has its origin in, and now depends upon, the punctual payment of the public debt, is to them of great value. A proposition to postpone the payment would tend to diminish the public confidence in the hitherto untarnished reputation of the State, and thereby produce an injurious effect upon our private as well as our public credit. There can be no more desirable object than to see a State free from all foreign liabilities.

The organization of the Executive branch of our State Government into separate and distinct departments, independent of each other, has certainly many advantages which it is unnecessary to enumerate. It is believed, however, that it would be improved and rendered far more efficient, if a greater degree of unity could be imparted to the deliberations and actions of these several divisions. This could easily be effected by requiring the various Executive officers to meet together once a month, or oftener if desired by the Governor, in Executive Council, to receive and consider reports from their respective departments, aid each other with advice, and suggest such action as will best tend to protect the public interests in cases of delinquencies or suspected malfeasance.

This Council might be authorized to inquire into and personally inspect the condition of the treasury at reasonable periods, and to exercise such discretionary powers in relation to the departments generally, as it would be unwise and probably unsafe to entrust to a single executive officer. The union of several executive officers into boards of this kind is not without precedent in this State. The Board of Fund Commissioners, composed of the Auditor, Secretary of State and Attorney General, has not only tested the practicability, but the advantages of such arrangements. The people of those States which have adopted Executive Councils in the construction of their Governments, regard them, I am told, as most important safeguards in the administration of their executive affairs.

The printing and distribution of public documents designed to be laid before the Legislature, is an object of great interest to the people. The practice hitherto pursued is neither favorable to a proper dispatch of the public business, nor a wide circulation of the information they contain. They have usually been printed very late in the session and their distribution confined to a very few persons, mostly the friends of the members.

I would respectfully suggest the passage of a law authorizing the Governor to have printed, by the recognized public printer, a specified number of the reports made to him by the several departments of the State Government in time to have the same ready for distribution at the meeting of the General Assembly. The law should, like that providing for the distribution of the laws and journals, specify certain officers and institutions to whom copies of these documents should be officially transmitted, as soon as delivered to the Legislature, leaving a reasonable number to be distributed by the members themselves among their constituents.

Such a law, instead of increasing, would certainly diminish the expenses now incurred, as the matter would be printed but once, and the contractors have ample time to make the required arrangements. The information designed to be communicated would then reach the people much earlier, and enable them to make such suggestions to their representatives as they might think proper.

The initiatory measures which have been adopted by the Secretary of State to gather the statistics of the agricultural wealth and improvements of the State, render the report of that officer for the current year, one of unusual interest, and demonstrate the wisdom of that provision of the Constitution which contemplates the establishment of a Bureau of Statistics in connection with that office. There are few persons outside of Ohio who fully realize the extent and greatness of her natural resources.

With the view of developing these resources, and of collecting and preserving the information of so much value to the General Assembly as well as to the people, I respectfully recommend the establishment, by law, of a Bureau of Statistics, as authorized and suggested by the provision referred to. It is neither in conformity with sound policy nor with the dignity of the State, to rely entirely upon the decennial reports of the Federal Government for a knowledge of our own resources and progress.

The State of Ohio is justly distinguished for a liberal and enlightened system of public instruction. Contemplated by the territorial legislation of Congress, it was undertaken by the people of the State as soon as the exigencies of a frontier and the exposures of war would allow, and has encountered less obstruction and more encouragement from the public sentiment than has usually been observed in the progress of similar systems elsewhere. General education is recognized by the Constitution of 1851 as a duty of Government no less than a parental obligation, and the law of March 14, 1853, not only furnished ample provision for schools of every grade, but will be memorable in our annals for establishing the principle that they are open to all—Free or Common Schools—in the fullest sense of the term. Instead of a mixed State and county tax of a mill and a half for their support, the act in question directed a State School tax, and that its proceeds should be distributed from the State Treasury in proportion to the enumeration of youth of school age within the respective counties. Every township was constituted a district, and entrusted to a Board of Education consisting of a representative from each sub-district, who are authorized to make or alter such sub-districts, to assess taxes for the construction of school houses and the extension of school terms, and to exercise whatever general supervision of educational interests may be consistent with the duties enjoined upon the local directors in each sub district. A fund of one tenth of a mill yearly was appropriated "for the purpose of furnishing school libraries and apparatus to all the common schools of the State," and the supervision of the system was confided to a State Commissioner elected by the people. In other respects the present school law is a digest of previous legislation, and was intended to relieve the public mind from the confusion and uncertainty caused by frequent and inconsiderate amendment.

A sufficient period has now elapsed for you to determine whether the people are generally satisfied with the present law, or in what respect it requires modification. There has been some complaint of the manner of distributing the State School Fund. Those counties which include populous cities are assessed with greater amounts than the enumeration of youth entitle them to receive, and in one instance the amount received is only about one half the sum contributed to the State fund. Still, it is easy to see that if we consider the *child* as the object of public regard—as a ward of the State for a certain degree of instruction—that the direct application of the public bounty to the youth of the counties in proportion to the annual enumeration, is neither illogical nor inconsistent. It presents a fair subject, however, for the consideration of the General Assembly.

The organization of township Boards of Education, which to the extent of their powers and duties, reduce the authority of local directors, was a centralising measure, and has undoubtedly produced a greater degree of uniformity and

efficiency; but it is a grave question whether the division of jurisdiction between those bodies has not led to disagreement and confusion, and whether the power of taxation vested in boards of education has not been injudiciously exercised.

I deem it highly important that the school act should accurately define the powers and duties of these officers, respectively; although it is quite possible that former uncertainty in this and other respects, has been removed by the opinions and advice of the State Commissioner. The present system owes much to the habitual and judicious expositions of that officer.

Boards of Education are required to furnish schools for seven months of the year, and they are authorized to direct assessments "for school purposes other than for the payment of teachers," under which head the item of school house construction is included. They may also direct assessments not exceeding two mills on the dollar for the support of central or high schools, when legally established, and "for the purpose of prolonging, after the State funds have been exhausted, the terms of the several sub-districts or primary schools in the township." There does not seem to be any limitation of the power of taxation "for school purposes other than the payment of teachers."

The taxes assessed for local school purposes in 1854 amounted to \$1,295,424, and in 1855 to \$1,246,346, amounts almost equal to the State school tax of a mill and a half on the grand duplicate. The largest portion of these assessments were doubtless for school house structures, and to prolong the school beyond the period of seven months, and may be regarded as extraordinary expenditures. Why should not the proposition to incur them be submitted to the consideration of the people of the township? As the services of members of Boards of Education are gratuitous, those officers are usually ardent friends of education, and there is danger that their zeal in its behalf, however honorable to them, individually, may sometimes fail to be sustained by public opinion, a state of things certain to produce an injurious reaction, and to impair the usefulness of our school system. It would be better to distribute a certain degree of educational progress over several years, and be sure meanwhile of a cordial sentiment of public approval, than to precipitate the same results within a single year, and thereby alienate the sympathies of the community. The latter must accompany and sanction all our school movements, and no more serious error can be committed than to mistake the enthusiasm of a few for the conviction of the many. Let every step be carefully considered and fully matured, and if unusual in its nature, ratified by a majority of the people of the district at a meeting called for its discussion, and we may confidently dismiss our fears for the future prosperity and advancement of the cause of popular education.

The Report of the Board of Trustees furnishes a very full and satisfactory account of the past history and present condition of the benevolent institutions located in Columbus. The lapse of time has confirmed the wisdom of the policy which suggested their establishment. Every year has widened the circle of their usefulness. At the same time that the humanity of the age has been gratified, they have been instruments of conferring the greatest blessings upon the unfortunate class who have been inmates of them. The institutions for the deaf and dumb and the blind, reach a class of children for which our public schools had not provided. Their success in imparting moral and intellectual training has been equal to the highest expectations of their most ardent friends.

The prosperity of these asylums has been uninterrupted during the past two years. They have been eminently successful in fulfilling the objects of their establishment. Owing, however, to the rapid advance in the price of provisions, the appropriations made for their support have not been adequate to meet their expenses. To keep them in operation, the Board of Trustees have been compelled to contract heavy debts, for the statement of which I refer you to their report.

These debts are due principally to tradesmen and others who have furnished provisions for the inmates of these institutions. They are, therefore, entitled to your early consideration, and as prompt payment as is consistent with the interests of the State.

The two lunatic asylums at Newburg and Dayton have been completed, and opened for the admission of patients within the past year—the former on the 5th of March, and the latter on the 1st of September. The cost of erecting and furnishing these institutions has greatly exceeded the amount appropriated. In the opinion of the Board of Trustees, the interests of the State required the completion of the buildings, and to do this they have contracted heavy liabilities.

All must approve the humane motives which have multiplied institutions of this character throughout our country. They are, however, attended with great expense, and therefore should not be increased beyond the clear demands of humanity and justice.

The report of the State House Commissioners will advise you of the progress of the work under their charge during the past two years. It is to be regretted that the means placed at the command of the commissioners by the late legislature, were not sufficient to have the halls of the Senate and House of Representatives ready for occupation by the present General Assembly. The sums so far appropriated for the erection and completion of the new State House amount to \$706,575.

Every department of the State government is deeply interested in the speedy completion of this building. The health and convenience of the General Assembly and of the judicial and executive officers, and of the people doing business with them, as also the safety of the public records, demand that every proper effort should be made to prepare it for occupation within the shortest practicable period.

Under these circumstances the commissioners felt it to be their duty, even after the appropriations were exhausted, to continue operations on the heavier portions of the work. The liabilities thus incurred, being chiefly due to contractors and mechanics, will receive, I trust, your early consideration.

The affairs connected with the penitentiary have been conducted during the past two years with unusual care and success. From the reports of the directors and warden it will be seen that the receipts of the institution from the labor of convicts and otherwise, have been more than adequate to meet all its expenses.

Although the number of convictions for the last year is considerably less than that of the year previous, it is generally believed that the dimensions of the present building will not be sufficient much longer for the accommodation of all the criminals of the State.

A large proportion of those who are convicted of crime in this State, belong to that class of persons who are usually denominated "juvenile offenders," the most of whom, under suitable management and care, might be thoroughly reclaimed, and returned to society as useful citizens. The erection of a house of refuge and correction, therefore, would be much preferable in my judgment to any enlargement of the present establishment. Of the six hundred and six convicts now in the penitentiary, one hundred and thirty-six are under the age of twenty-one years. The youthful offender should never be placed on an equality of treatment with the confirmed criminal, or compelled to resume the career of life under the odium that almost necessarily attaches to a "penitentiary convict."

I called the attention of the General Assembly on a former occasion to the disorganized condition of the militia of the State. The present Constitution prescribes a different mode for the election of general and field officers from that contained in the former, and repealed all laws and parts of laws that in any way conflicted with its provisions. The terms of the officers chosen under the former Constitution have nearly all expired, and there is no law through which the vacancies can be sup

plied or the requirements of the present Constitution be carried into effect. All elections that have taken place since the adoption of the present Constitution, having been held and conducted under the provisions of the former, and in pursuance of the laws that were thus repealed, are, in the opinion of the Attorney General, illegal and void. If such be a correct interpretation of the present Constitution, there are now no general or field officers in the State, and the whole system has been rendered almost entirely useless.

The public arms are in danger of being lost. They are scattered over the State, and many of them in the hands of persons, who, according to the opinion of the Attorney General referred to, are in no way connected with the militia of the State.

A well regulated militia system is almost essential to the preservation of an efficient military spirit among the people. Standing armies in time of peace are viewed with great distrust in all republican governments, and it is upon an intelligent and well organized militia that we must rest our defence, to a great extent, even in war.

In other governments, the military force is organized for the support of tyranny, and the mass of the people are neither trained nor allowed to possess arms. Here the military force is organized for the support of popular government, and the right of the people to bear arms is an express guaranty of the Constitution. The protection of the liberties of the country and the maintenance of public order, are confided to the hands of the free and independent citizens of the State.

We receive annually a large quantity of arms from the General Government, and with suitable encouragement, there would be organized a line of uniformed volunteer companies that would inspire our young men with a laudable spirit of chivalry, and in the hour of necessity and peril, reflect honor on the State.

In closing the present communication to the General Assembly, I may be allowed to advert, with some little feeling of pride and congratulation, to the high position which our State has acquired, and the brilliant future that is still before us. The public debt, under the policy that has been recently pursued, is rapidly diminishing. Our credit is unquestioned on either side of the Atlantic. There has never been a period in the history of the State when industry and enterprise were more adequately and liberally rewarded.

The geographical position of Ohio, being encircled by an inland sea and river, which bear upon their bosoms a commerce sufficient to enrich an empire, is not surpassed by that of any State in the Union. She has six hundred miles of navigable rivers, and eight hundred miles of canals; twenty-six hundred miles of completed railroad, and more than that number of miles projected and in course of construction. These natural and artificial channels of commerce form the great arteries of communication between the Atlantic States and the rapidly growing West. The soil and climate admit of as great an extent and variety of production as any similar area on the face of the globe. Her supply of the most useful minerals is inexhaustible, and she has all the facilities to render her one of the first manufacturing States in the Union. She contains a population, that, under a broad and enlightened policy, has increased, since the commencement of the century, from forty-five thousand to at least two and a quarter millions.

Her benevolent institutions are monuments of the enlightened humanity of her people, and her educational system which is as free and equal as the blessings of heaven, is ample for the solid instruction of all her youth.

The wheat crop of Ohio for the past year has been estimated by the Secretary of State, at thirty millions of bushels, and the corn crop at eighty millions. The State of Ohio yielded full one eighth of all the corn that was produced in the United States, and our wheat crop was more than one-fifth of the aggregate of the Union.

The value of the cereal or bread products of the State for 1855, in the granaries and upon the premises where grown, will probably exceed one hundred millions of dollars ; of which more than one-half finds a market beyond the limits of the State. By the report of the Auditor, it will be seen that the aggregate valuation of horses, cattle, mules, sheep and swine, is nearly sixty millions of dollars ; and this valuation being for the purpose of a taxable basis, is presumed to be within reasonable bounds. While the wheat and corn crops are the principal staples of our agriculture, they form but a small proportion of the immense resources of that great interest in Ohio.

The returns of the Federal Census of 1850, which embraced the farm products of 1849, do us great injustice. That year was one of unusual disaster to the farmers of Ohio, their wheat crop having been almost destroyed by the weevil. It may, therefore, be safely assumed, that Ohio occupies the position of the first agricultural State in the Union.

The mineral resources of the State are but partially developed. There are no means by which to form an accurate opinion of their extent, but sufficient is known to authorize the belief that when capital and science shall have ascertained the full amount of mineral deposits which underlie a large portion of the soil, the State will occupy no secondary rank in this respect.

Notwithstanding the drain which emigration to Western States and Territories was supposed by some to have made upon this State, it will be seen by the returns of the enumeration of persons over the age of twenty-one years, that the average annual increase of that class of our population during the last fifteen or twenty years, has not been diminished.

For a progress and prosperity so eminent, Ohio owes much to the great natural advantages already enumerated, but more to that generous policy which tolerates no illiberal tests of birth or creed, and to institutions which embody the vital principles of popular sovereignty. Loyal to the Union, and prompt to observe every obligation of the National compact, her citizens cannot fail to recognize, in the broadest sense, the just and salutary principle, that to the people of every organized State and Territory belongs the right and prerogative of regulating for themselves their own domestic and local affairs, within the limits of the Constitution. Our brief annals as a State are emphatic in vindication of such a policy. The Constitution of 1802 was welcomed by the people as a relief from Territorial misgovernment, and because it secured to the inhabitants the election of their officers and the uncontrolled regulation of their domestic affairs. Indeed, all experience demonstrates that the harmony of the Union, and the success of the great republican experiment in progress among us, require the inflexible application of the doctrine of State Rights and Popular Sovereignty, limiting the interference by federal authority to those few objects of national interest which are specifically enumerated in the Constitution. Centralization is the greatest danger of republics ; and against such a tendency, whether the motive be the advancement of special interests or the gratification of sectional animosity, the American people can establish no barrier more secure than the admirable division of political power defined by the founders of our institutions.

Nor is it necessary, in order to command the public approval of these fundamental principles, to add any appeal in behalf of the Union. No citizen of the Valley of the Mississippi will tolerate any doubt of the perpetuity of our league of States. With our relations to the lake, river and gulf coasts of this mighty basin, any scheme of dismemberment, which sectional infatuation may engender, cannot be received otherwise than with mingled scorn and indignation by the patriotic com-

munities of the West. Let it be understood that the centre of our Republican Empire will soon reach the shores of the Mississippi, constituting the vast region drained by its tumultuous flood and innumerable tributaries, the natural arbiter—never a belligerent—in sectional controversies. And as long as the ashes of Andrew Jackson are inurned among the Western People, so long will we cherish, in sentiment and in action, his stern and patriotic utterance, “The Union—it must be preserved.”

WILLIAM MEDILL.

COLUMBUS, *January 7, 1856.*

The President then laid before the Senate the following documents accompanying the Governor's Message :

1. Annual Reports of the Auditor of State for the years 1854 and 1855.
2. “ “ “ Treasurer of State for the years 1854 and 1855.
3. Annual Report of the Secretary of State for 1855.
4. “ “ “ Attorney General for 1855.
5. “ “ “ Board of Public Works for 1855.
6. Annual Reports of the Directors and Warden of the Penitentiary for the years 1854 and 1855.
7. Annual Report of the School Commissioner for the year 1854.
8. Annual Reports of the State House Commissioners for the years 1854 and 1855.
9. Annual Reports of the Trustees of the Benevolent Institutions for the years 1854 and 1855.
10. Semi-Annual Reports of the Fund Commissioners for the years 1854 and 1855.
11. Reports of the Trustees of the Lunatic Asylums at Newburg and Dayton.
12. Report of the Commissioners of the State Library, 1855.

NOTE.—The Reports for 1854 were printed and are presented in document form.

On motion of Mr. Converse, it was

Resolved, That the Message and accompanying documents be laid on the table and ordered to be printed.

Mr. Willford then offered the following :

Resolved by the Senate, That one thousand extra copies of the Governor's Message be printed for the use of members.

Mr. Matthews moved to strike out the word “one” and insert “six” in lieu thereof.

A division was demanded, and the question being on striking out, it was lost.

The question then being on agreeing to the resolution,

Mr. Kelly moved to lay it on the table, which was agreed to.

Mr. Brand offered the following :

Resolved, That until otherwise ordered, on the introduction and first reading of bills, they shall be laid on the table to be printed without a motion to that effect, and that on the first morning after being printed, they shall be read the second time.

Mr. Brown moved to lay it on the table, which was agreed to.

Mr. Matthews then presented the credentials of George W. Holmes, one of the Senators elect from the First Senatorial District.

Mr. Holmes appeared, took the oath of office and assumed his seat as Senator.

Wednesday, January 9, 1856.

Message from the House of Representatives.

Mr. President :

The House of Representatives have passed the following resolution, to which the concurrence of the Senate is invited.

Resolved by the General Assembly of the State of Ohio, That a Select Committee of ——— members on the part of the Senate, and three members on the part of the House, be appointed to report joint rules for the government of the two Houses, during the present session, and that until such report be made, the joint rules of the last Assembly shall be in force.

Committee on the part of the House, Messrs. Langdon, Truesdale and Russell.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Kelly,

The resolution was amended by filling the blank with the word *three*.

The resolution was then agreed to.

The President appointed Messrs. Kelly, Converse and Griswold, members of the committee on the part of the Senate.

The Senate then adjourned till 10 o'clock Wednesday morning.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, JANUARY 9, 1856.

Mr. Bundy presented the petition of H. F. Austin and sundry other citizens of Jackson county, praying for the passage of an act to repeal the act entitled "An Act to prohibit the circulation of Foreign Bank Bills of a less denomination than ten dollars," passed May 1, 1854, which was referred to Mr. Bundy, as a select committee of one.

Mr. Brazee moved to suspend the rules, to give opportunity to introduce a resolution modifying one of them.

Which was agreed to.

On motion of Mr. Brazee, it was then

Resolved, That the number of the standing Committee on the Judiciary be reduced to five ; and the number of the Committee on Medical Societies and Colleges to three.

Mr. Buckland gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to fix and provide for the holding of the terms of the Court of Common Pleas, in the fourth Common Pleas District of Ohio.

Also, a bill to provide for holding terms of the District Court in the second Circuit, composed of the fourth and sixth Common Pleas Districts of Ohio.

Also, a bill ceding to the United States of America jurisdiction over certain lands and their appurtenances, in the cities of Toledo, Sandusky and Cleveland, and to exempt the same from taxation.

Mr. Brown, of Portage, gave notice that early in the session he should ask leave to introduce a bill to regulate the pay of members of the General Assembly of Ohio and its officers.

On motion of Mr. Canfield, it was

Resolved, That the Sergeant-at-Arms be directed to procure thirty-five copies of the Ohio Constitutional Debates, for the use of the members of the Senate.

On motion of Mr. Buckland,

The resolution relative to printing the Governor's Message and accompanying documents, was taken up.

On motion of Mr. Kelly,

The following resolution was adopted as an amendment to the resolution providing for the printing of the Governor's Message and accompanying documents :

Resolved, That the Governor's Annual Message, together with the accompanying documents, be referred to the Committee on Public Printing, with instructions to report to the Senate at as early a day as practicable, the number of copies of each that will be necessary and proper to print for the use of the members.

Mr. Marsh gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to amend the act relating to the organization of Courts of Justice, and their powers and duties, passed February 19, 1852.

On motion of Mr. Kelly, it was

Resolved, That the Committee on the Judiciary be instructed to enquire and report to the Senate, whether any, and if any, what amendments to the present Constitution of this State are required, and if, in their opinion, any such amendments are necessary, what is the proper mode of making such amendments ?

On motion of Mr. Brazee, it was

Resolved, That three copies of Curwin's Statutes be furnished the Senate—one for the use of the Judiciary Committee, one for the Committee on Finance, and one for the Committee on Banks and Currency.

Mr. Brazee gave notice that at an early day of the session, he would introduce a bill to amend the law concerning Bills of Exchange and Promissory Notes.

Mr. Bundy introduced a bill to repeal the act prohibiting the circulation of Foreign Bank Bills of less denomination than ten dollars—which was read the first time.

On motion of Mr. Hamilton, it was

Resolved, That Mr. Bruen, of the Cincinnati Gazette, Mr. Elliott, of the Cincinnati Commercial, and Mr. Crippin, of the Cincinnati Times, be admitted within the bar of the Senate, as reporters for their respective papers during the session.

On motion of Mr. Marsh, it was

Resolved, That the Sergeant-at-Arms furnish each member of the Senate with one copy of Swan's Revised Statutes, 2d edition.

On motion of Mr. Lewis, it was

Resolved, That Mr. Ezekiel Mettles be admitted within the bar of the Senate, as reporter for the Capital City Fact during the session.

Mr. Beatty gave notice that at an early day in the session, he would introduce a bill to abate a nuisance in the town of Massillon, Stark county.

On motion of Mr. Taylor, of Mahoning,

The credentials of members were referred to the Committee on Privileges and Elections.

On motion of Mr. Brand, it was

Resolved, That a special committee be appointed on Rules for the Senate.

The President appointed Messrs. Brand, Matthews and Kirk.

The President announced the appointment of J. W. Wallace, R. E. Sheldon and Frederick Sallida, to act as Messengers for the Senate, until otherwise ordered.

The President also laid before the Senate, Reports of Officers of State, in printed form.

On motion of Mr. Brzee, it was

Resolved, That the Senate proceed to the election of Standing Committees.

The question then being on the election of the Standing Committees, ‘

Mr. Brzee nominated Messrs. Kelly, Taylor, of Mahoning, Holmes, Buckland and Marsh, Committee on Finance.

Mr. Buckland nominated as the Committee on Privileges and Elections, Messrs. Gardiner, Beatty and Phelps.

Mr. Brown nominated Messrs. Hyer, Warfel and Wilford, Committee on Militia.

Mr Taylor, of Mahoning, nominated as a Committee on Common Schools and School Lands, Messrs. Canfield, Hardy and Marsh.

Mr. Heaton nominated as a Committee on New Counties, Messrs. Cattell, Taylor, of Mahoning, and Hardy.

Mr. Spencer nominated as a Committee on Enrollment, Messrs. Hawley, Hardy and Burnet.

Mr. Lawder nominated as a Committee on Public Benevolent Institutions, Messrs. Heaton, Cattell and Spencer.

Mr. Warfel nominated as a Committee on Penitentiary, Messrs. Taylor of Geauga, Kirk and Musgrave.

Mr. Marsh nominated as a Committee on Salaries and Fees of Public Officers, Messrs. Bundy, Hamilton and Heaton.

Mr. Burnet nominated as a Committee on Roads and Highways, Messrs. Beatty, Willford and Lewis.

Mr. Spencer nominated as a Committee on State Buildings, Messrs. Rush, Kelly and Lawrence.

Mr. Kirk nominated as a Committee on Currency, Messrs. Brzee, Kelly and Griswold.

Mr. Cattell nominated as a Committee on Libraries, Messrs. Lawder, Lawrence and Taylor of Geauga.

Mr. Hyer nominated as a Committee on Federal Relations, Messrs. Brown, Phelps and Canfield.

Mr. Hawley nominated as a Committee on Public Works and Public Lands, Messrs. Spencer, Rush and Phelps.

Mr. Rush nominated as a Committee on Judiciary, Messrs. Griswold, Spencer, Matthews, Brown and Brzee.

Mr. Hamilton nominated as a Committee on Railroads and Turnpikes, Messrs. Brand, Braze and Bundy.

Mr. Musgrave nominated as a Committee on Medical Societies and Colleges, Messrs. Kirk, Brand and Lunt.

Mr. Canfield nominated as a Committee on Universities, Colleges and Academies, Messrs. Taylor of Mahoning, Hawley and Matthews.

Mr. Baird nominated as a Committee on Public Printing, Messrs. Hamilton, Heaton and Converse.

Mr. Brand nominated as a Committee on Agriculture, Messrs. Lunt, Gardner and Griswold.

Mr. Kirk nominated as a Committee on Claims, Messrs. Musgrave, Warfel and Beatty.

Mr. Gardiner nominated as a Committee on Corporations other than Municipal, Messrs. Buckland, Baird and Converse.

Mr. Brown nominated as a Committee on Municipal Corporations, Messrs. Marsh, Griswold, and Matthews.

Mr. Hamilton nominated as a Committee on Retrenchment, Messrs. Baird, Warfel and Gardner.

Mr. Beatty nominated as a Committee on Manufactures and Commerce, Messrs. Burnet, Holmes, and Hyer.

There being no other nominations made, the Senate proceeded to vote for members of the Standing Committees; and the question being on agreeing to the election of the committees as above named, they were severally and unanimously elected.

Message from the House.

Mr. President :

The House is now ready for the reception of the Senate, for the purpose of counting votes for Governor and other State officers, as contemplated by joint resolution, passed January 7, 1856.

Attest :

JAMES S. ROBINSON, Clerk.

On motion of Mr. Lewis,

The Senate then repaired to the Hall of the House of Representatives, and, being seated therein, on a call of the Senate, all the members were found present, except four.

The President of the Senate, in the presence of the two Houses, then proceeded to open and publish the returns for Governor, Lieutenant Governor, Secretary of State, Treasurer of State, and Attorney General.

Before the opening and publishing was complete,

On motion of Mr. Beatty, of the Senate,

The Joint Convention of the two Houses took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Joint Convention assembled in the Hall of the House and proceeded to count the votes for Governor and State officers, and before the opening and publishing was complete,

Friday, January 11, 1856.

On motion,

The Joint Convention of the two Houses took a recess until 10 o'clock, to-morrow morning.

Attest :

W. T. BASCOM, Clerk.

THURSDAY, JANUARY 10, 1856.

The Convention assembled.

A call of the Senate was had, and a quorum found present.

A call of the House was had, and a quorum found present.

Prayer by the Rev. Mr. Connell.

The President of the Convention then resumed the opening of the abstracts of votes given for Governor and other State officers.

The returns from the counties of Clermont and Preble, not containing the abstract of votes by townships, &c.,

Mr. Baird, of the Senate, moved that the certificates of the clerks of the Courts of Common Pleas in those counties, be received as conclusive evidence of the number of votes polled therein, and for whom cast; which motion was unanimously agreed to.

And before the opening and publishing was completed,

On motion of Mr. Parsons of Franklin,

The Convention took a recess till to-morrow morning at 10 o'clock.

Attest :

W. T. BASCOM, Clerk.

FRIDAY, JANUARY, 11, 1856.

Convention assembled.

A call of the Senate was had, and all the members found present except two.

A call of the House was had, and a quorum found present.

Prayer by Rev. Dr. Hoge.

The President of the Senate then announced the following as the vote for Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General :

That for Governor of the State of Ohio, Salmon P. Chase had received 146,770 votes ; that William Medill had received 131,019 votes ; that Allen Trimble had received 24,276 votes ; and that there were scattering votes cast to the number of 68.

Salmon P. Chase, having received a majority of all the votes cast, was declared duly elected Governor of the State of Ohio, for the constitutional term of two years from and after the second Monday of January, A. D. 1856.

That for Lieutenant Governor of the State of Ohio, Thomas H. Ford had received 169,408 votes; that James Myers had received 134,385 votes; and that there were scattering votes cast to the number of 16.

Thomas H. Ford, having received a majority of all the votes cast, was declared duly elected Lieutenant Governor of the State of Ohio, for the constitutional term of two years from and after the second Monday of January, A. D. 1856.

That for Secretary of State, James H. Baker had received 168,724 votes; that William Trevitt had received 133,648 votes, and that there were scattering 215 votes.

James H. Baker, having received a majority of the votes, was declared duly elected Secretary of State for the constitutional term of two years from and after the second Monday of January, A. D. 1856.

That for Treasurer of State, Wm. H. Gibson had received 169,350 votes; that John G. Breslin had received 132,925 votes, and that there were scattering 15 votes.

Wm. H. Gibson, having received a majority of the votes cast, was declared duly elected Treasurer of the State, for the constitutional term of two years from and after the second Monday of January, A. D. 1856.

That for Auditor of State, Francis M. Wright had received 169,218 votes; that William D. Morgan had received 134,504 votes, and that there were scattering 3 votes.

Francis M. Wright, having received a majority of the votes cast, was declared duly elected Auditor of the State for the constitutional term of four years from and after the second Monday of January, A. D. 1856.

That for Attorney General of the State of Ohio, Francis D. Kimball had received 168,868 votes; that George W. McCook had received 132,216 votes, and that there were scattering 6 votes.

Francis D. Kimball, having received a majority of the votes cast, was declared duly elected Attorney General of the State of Ohio, for the constitutional term of two years from and after the second Monday of January, A. D. 1856.

Friday, January 11, 1856.

ABSTRACT OF VOTES FOR GOVERNOR.

COUNTIES.	William Medill.	Allen Trimble.	Salmon P. Chase	Scat- tering.
Adams	1422	207	1130	----
Allen	907	22	1235	----
Ashland	1623	37	1580	----
Ashtabula	845	341	3772	2
Athens	974	98	1634	----
Anglaize	1291	81	643	----
Belmont	1853	1003	1760	----
Brown	1843	286	1571	----
Butler	2895	340	1960	----
Carroll	1000	82	1502	1
Champaign	928	535	1353	----
Clark	1154	250	1886	----
Chermont	2423	466	2336	----
Clinton	802	162	1640	----
Columbiana	2139	31	3118	----
Coshocton	2007	17	2064	----
Crawford	1710	43	1449	----
Cuyahoga	3072	473	3965	1
Darke	1601	228	1685	----
Defiance	609	17	592	----
Delaware	1245	259	1602	----
Erie	1123	68	1564	1
Fairfield	2614	52	2474	----
Fayette	518	239	909	----
Franklin	3192	841	2487	7
Fulton	422	11	715	----
Gallia	873	1099	344	----
Geauga	396	90	1816	----
Greene	985	372	1963	----
Guernsey	1361	130	1693	----
Hamilton	12226	6538	4516	----
Hancock	1329	30	1238	10
Hardin	665	60	903	----
Harrison	1191	68	1712	----
Henry	511	2	453	----
Hillland	1343	1256	1209	----
Hocking	1114	85	927	----
Holmes	1672	3	1194	----
Huron	1277	134	2295	----
Jackson	739	167	714	----
Jefferson	1523	131	2156	----
Knox	1916	219	2166	----
Lake	498	23	1640	----
Lawrence	747	322	1092	----
Licking	2530	722	2128	----
Logan	792	327	1424	----

ABSTRACT—Continued.

Counties.	William Medill.	Allen Trimble.	Salmon P. Chase.	Scot- tering.
Lorain	892	23	2693	---
Lucas	1409	47	1618	4
Madison	435	577	562	---
Mahoning	1492	60	1592	2
Marion	1168	16	1220	---
Medina	1511	15	2032	2
Meigs	1038	166	1516	1
Meoer	49	108	492	31
Miami	1,000	619	1787	---
Monroe	1875	25	1451	---
Montgomery	3423	407	2746	---
Morgan	1130	105	1776	---
Morrow	1316	55	1631	---
Muskingum	2208	996	2551	---
Noble	954	76	1361	---
Ottawa	405	1	369	---
Paulding	113	2	362	---
Perry	1474	66	1772	---
Pickaway	1604	258	1521	---
Pike	937	219	641	---
Portage	1861	10	2660	1
Preble	1039	287	1567	---
Putnam	845	12	528	---
Richland	2211	113	2220	---
Ross	1926	329	2160	---
Sandusky	1499	10	1382	---
Scioto	1050	447	1042	---
Seneca	1961	15	2332	3
Shelby	1077	209	965	---
Stark	3021	23	3343	---
Summit	1215	158	2242	---
Trumbu	1474	31	3109	---
Tuscarawas	2144	35	2552	---
Union	698	131	1222	---
Van Wert	484	9	602	---
Vinton	861	40	722	---
Warren	1461	360	2306	---
Washington	1662	112	2212	---
Wayne	2561	24	2421	---
Williams	861	17	890	---
Wood	591	45	1049	---
Wyandott	1045	61	1143	---
Total	131,019	24,276	146,770	---

ABSTRACT OF VOTES FOR LIEUTENANT GOVERNOR.

COUNTIES.	James Myers.	Thomas H. Ford	Scat- tering.
Adams	1424	1340	-----
Allen	928	1239	-----
Ashland	1637	1577	-----
Ashtabula	831	4134	-----
Athens	988	1727	-----
Auglaize	1311	715	-----
Belmont	1879	2704	-----
Brown	1860	1825	-----
Butler	2920	2306	-----
Carroll	1023	1545	-----
Champaign	921	1915	-----
Clark	1148	2121	-----
Clermont	2434	2903	-----
Clinton	817	1798	-----
Columbiana	2168	3093	-----
Coshocton	2002	2069	-----
Crawford	1717	1484	-----
Cuyahoga	3106	4371	-----
Darke	1611	1925	-----
Defiance	631	690	-----
Delaware	1273	1837	-----
Erie	1164	1588	-----
Fairfield	2669	2547	-----
Fayette	496	1183	-----
Franklin	3224	3336	3
Fulton	480	683	-----
Gallia	893	1413	-----
Geauga	395	1891	-----
Greene	966	2502	-----
Gurnsey	1413	1936	-----
Hamilton	13218	10201	-----
Hancock	1340	1271	-----
Hardin	673	947	-----
Harrison	1220	1733	-----
Henry	518	446	-----
Highland	1410	2390	-----
Hocking	1115	1016	-----
Holmes	1684	1191	-----
Huron	1290	2411	-----
Jackson	756	885	-----
Jefferson	1543	2297	-----
Knox	1914	2384	-----
Lake	498	1669	-----
Lawrence	775	1384	-----
Licking	2544	2804	-----
Logan	800	1744	-----
Lorain	921	2655	1

Friday, January 11, 1856.

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ABSTRACT—Continued.

COUNTIES.	James era.	Thomas H. Ford.	Scatter- ing.
Lucas	1526	1537	3
Madison	430	1144	
Mahoning	1503	1626	
Marion	1171	1242	
Medina	1537	2010	
Meigs	1056	1671	
Mercer	846	631	
Miami	1370	2420	
Monroe	1883	1469	
Montgomery	3406	3246	
Morgan	1142	1868	
Morrow	1340	1653	
Muskingum	2287	3494	
Noble	999	1376	
Ottawa	413	569	
Paulding	115	562	
Perry	1465	1867	
Pickaway	1633	1804	
Pike	935	831	
Portage	1870	2642	3
Preble	1063	1860	
Putnam	558	519	3
Richland	2209	2336	
Ross	1952	2498	
Sandusky	1504	1382	
Scioto	1068	1484	
Seneca	1961	2340	1
Shelby	1084	1171	
Stark	3023	3364	
Summit	1224	2369	3
Trumbull	1475	3140	
Tuscarawas	2150	2577	
Union	725	135	
Vnn Wert	493	606	
Vinton	866	764	
Warren	1481	2678	
Washington	1683	2396	
Wayne	2581	2439	
Williams	878	874	
Wood	598	1125	
Wyandot	1044	1204	
Total	134,385	169,408	

ABSTRACT OF VOTES FOR SECRETARY OF STATE.

COUNTIES.	Wm. Trevitt.	James H. Baker
Adams.....	1424	1343
Allen.....	933	1232
Ashland.....	1635	1698
Ashtabula.....	834	4129
Athens.....	996	1717
Auglaize.....	1308	709
B. Mont.....	1883	2709
Brown.....	1857	1892
Butler.....	2929	2284
Carroll.....	1023	1541
Champaign.....	927	1909
Clark.....	1143	2135
Clermont.....	2438	2899
Clinton.....	815	1798
Columbiana.....	2165	3089
Coshocton.....	2001	2072
Crawford.....	1722	1482
Cuyahoga.....	3109	4215
Darke.....	1608	1924
Defiance.....	628	691
Delaware.....	1295	1800
Erie.....	1166	1601
Fairfield.....	2670	2558
Fayette.....	491	1183
Franklin.....	3405	3156
Fulton.....	480	682
Gallia.....	894	1414
Geauga.....	393	1893
Greene.....	968	2600
Guernsey.....	1404	1943
Hamilton.....	13214	10,149
Hancock.....	1338	1274
Hardin.....	666	947
Harrison.....	1222	1732
Henry.....	520	442
Highland.....	1418	2344
Hocking.....	1111	1019
Holmes.....	1685	1190
Huron.....	1300	2418
Jackson.....	764	874
Jefferson.....	1549	2196
Knox.....	1913	2385
Lake.....	500	1666
Lawrence.....	771	1382
Licking.....	2545	2804
Logan.....	810	1735
Lorain.....	910	2663

Friday, January 11, 1856.

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ABSTRACT—Continued.

Counties.	William Trevitt.	James H. Baker.
Lucas	1524	1544
Madison	434	1134
Mahoning	1508	1619
Marion	1179	1236
Medina	1541	2005
Meigs	1056	1662
Mercer	849	630
Miami	1360	2425
Monroe	1885	1469
Montgomery	3399	3241
Morgan	1142	1859
Morrow	1340	1656
Muskingum	2293	3502
Noble	1003	1357
Ottawa	414	359
Paulding	114	359
Perry	1464	1848
Pickaway	1643	1782
Pike	933	864
Portage	1871	2636
Preble	1053	1861
Putnam	858	516
Richland	2182	2383
Ross	1989	2391
Sandusky	1502	1383
Scioto	1070	1477
Seneca	1965	2339
Shelby	1081	1173
Stark	3021	3361
Summit	1213	2210
Trumbull	1477	3142
Tuscarawas	2145	2581
Union	724	1315
Van Wert	492	603
Vinton	866	761
Warren	1478	2678
Washington	1680	2337
Wayne	2585	2432
Williams	877	869
Wood	599	1140
Wyandot	1050	1200
Totals	133,646	168,724

Friday, January 11, 1856.

ABSTRACT OF VOTES FOR TREASURER OF STATE.

COUNTIES.	John G. Breslin.	Wm. H. Gibson.
Adams	1428	1338
Allen	925	1238
Ashland	1634	1600
Ashtabula	834	4124
Athens	991	1722
Auglaize	1300	710
Belmont	1879	2717
Brown	1855	1888
Butler	2926	2305
Carroll	1023	1541
Champaign	929	1907
Clark	1145	2136
Clermont	2435	2901
Clinton	814	1798
Columbiana	2164	3606
Coshocton	2001	2070
Crawford	1725	1480
Cuyahoga	3123	4356
Darke	1607	1924
Defiance	624	590
Delaware	1285	1825
Erie	1163	1601
Fairfield	2665	2555
Fayette	494	1181
Franklin	3313	3247
Fulton	479	682
Gallia	895	1409
Geauga	393	1893
Green	970	2502
Guernsey	1403	1946
Hamilton	12,907	10,427
Hancock	1334	1280
Hardin	615	948
Harrison	1222	1732
Henry	519	420
Highland	1409	2396
Hooking	1113	1012
Holmes	683	1193
Huron	1301	2418
Jackson	762	885
Jefferson	1545	2296
Knox	1912	2382
Lake	499	1666
Lawrence	772	1383
Licking	2540	2802
Logan	781	1768
Lorain	921	2687
Lucas	1526	1550

Friday, January 11, 1856.

41

ABSTRACT—Continued.

COUNTIES.	John G. Breslin.	Wm. H. Gibson.
Madison.....	433	1137
Mahoning.....	1507	1621
Marion.....	1176	1239
Medina.....	1540	2004
Meigs.....	1056	1664
Mercer.....	747	522
Miami.....	1367	2424
Monroe.....	1887	1467
Montgomery.....	3399	3252
Morgan.....	1137	1864
Morrow.....	1339	1655
Maskingum.....	2286	3601
Noble.....	1001	1361
Ottawa.....	415	359
Paulding.....	115	363
Perry.....	1461	1849
Pickaway.....	1628	1801
Pike.....	931	885
Portage.....	1872	2637
Preble.....	1054	1862
Putnam.....	858	517
Richland.....	2188	2333
Ross.....	1936	2518
Sandusky.....	1500	1395
Scioto.....	1066	1491
Seneca.....	1918	2351
Shelby.....	1080	1174
Stark.....	3124	3360
Summit.....	1211	2210
Trumbull.....	1479	3140
Tuscarawas.....	2146	2582
Union.....	722	1315
Van Wert.....	492	603
Vinton.....	864	764
Warren.....	1474	2679
Washington.....	1679	2330
Wayne.....	2585	2435
Williams.....	877	877
Wood.....	598	1142
Wyandot.....	1044	1202
Totals.....	13292	169350

Friday, January 11, 1856.

ABSTRACT OF VOTES FOR AUDITOR OF STATE.

COUNTIES.	Wm. D. Morgan.	F. M. Wright.
Adams	1425	1341
Allen	933	1233
Ashland	1637	1598
Ashtabula	836	4127
Athens	992	1725
Auglaize	1309	7 8
Belmont	1874	2715
Brown	1857	1888
Butler	2923	2302
Carroll	1021	1543
Champaign	914	1917
Clark	1142	2140
Clermont	2439	2909
Clinton	800	1808
Columbiana	2198	3062
Coahuaton	2000	2073
Crawford	1725	1481
Cuyahoga	3128	4361
Darke	1611	1929
Defiance	627	594
Delaware	1281	1821
Erie	1163	1604
Fairfield	2657	2555
Fayettee	488	1185
Franklin	3386	3182
Fulton	486	680
Gallia	896	1414
Geauga	394	1690
Greene	972	2482
Guernsey	1405	1946
Hamilton	13,176	10,243
Hancock	1337	1273
Hardin	664	949
Harrison	1223	1749
Henry	521	447
Highland	1409	2391
Hocking	1109	1020
Holmes	1685	1180
Huron	1233	2482
Jackson	763	875
Jefferson	1550	2295
Knox	1913	2385
Lake	500	1668
Lawrence	779	1382
Licking	2548	2809
Logan	797	1747
Lorain	914	2669
Lucas	1520	1552

Friday, January 11, 1856.

43

ABSTRACT—Continued.

COUNTIES.	Wm. D. Morgan.	F. M. Wright.
Madison	436	1143
Mahoning	1512	1017
Marion	1178	1236
Medina	1541	2005
Meigs	1057	1667
Mercer	849	630
Miami	1374	2418
Monroe	1883	1470
Montgomery	3399	3257
Morgan	1149	1880
Morrow	1341	1654
Muskingum	2286	3506
Noble	1004	1335
Ottawa	414	358
Paulding	213	363
Perry	1465	1849
Pickaway	1628	1807
Pike	931	888
Portage	1874	2638
Preble	1047	1863
Putnam	861	509
Richland	2233	2329
Ross		2508
Sandusky	1501	1353
Scioto	1062	1491
Seneca	1964	2342
Shelby	1079	1165
Stark	3021	3342
Summit	1213	2209
Trumbull	1480	3139
Tuscarawas	2145	2581
Union	726	1319
Van Wert	493	603
Vinton	865	63
Warren	1478	2679
Washington	1685	2324
Wayne	2584	2435
Williams	878	876
Wood	599	1140
Wyandot	1045	1201
Total	13 014	16 218

ABSTRACT OF VOTES FOR ATTORNEY-GENERAL.

COUNTIES.	G. W. McCook.	F. D. Kimball.
Adams	1424	1339
Allen	926	1235
Ashland	1634	1601
Ashtabula	833	4134
Athens	997	1720
Auglaize	1303	711
Belmont	1873	2711
Brown	1860	1886
Butler	2929	2299
Carroll	1022	1541
Champaign	928	1909
Clark	1144	2 33
Clermont	2443	2901
Clinton	808	1796
Columbiana	2160	3098
Coshocton	2001	2079
Crawford	1724	1480
Cuyahoga	3101	4318
Darke	1608	1925
Defiance	627	590
Delaware	1287	1819
Erk	1171	1602
Fairfield	2368	2549
Fayette	486	1182
Franklin	3273	3279
Fulton	479	683
Gallia	499	1408
Geauga	392	1876
Greene	973	2496
Guernsey	1403	1946
Hamilton	13,219	10,217
Hancock	1338	1274
Hardin	664	448
Harrison	1220	1728
Henry	496	293
Highland	1407	3395
Hocking	1111	1017
Holmes	1673	1048
Huron	1297	2416
Jackson	768	882
Jefferson	1566	2269
Knox	1913	2378
Lake	489	1667
Lawrence	777	1382
Licking	2139	2808
Logan	823	1718
Lorain	924	2664
Lucas	1518	1558

ABSTRACT—Continued.

COUNTIES.	G. W. McCook.	
Madison.....	433	1148
Mahoning.....	1506	1619
Marion.....	1178	1236
Martins.....	1567	1891
Meigs.....	1055	1666
Mercer.....	848	629
Miami.....	1361	2427
Monroe.....	1884	1470
Montgomery.....	3395	3039
Morgan.....	1142	1864
Morrow.....	1329	1653
Muskingum.....	2292	3492
Noble.....	1001	1359
Ottawa.....	414	359
Paulding.....	1114	363
Perry.....	1481	1849
Pickaway.....	1628	1805
Pike.....	931	886
Portage.....	1873	2635
Preble.....	1055	1859
Putnam.....	857	516
Richland.....	2226	2333
Ross.....	1935	2518
Sandusky.....	1502	1384
Scioto.....	1067	1489
Seneca.....	1966	2341
Shelby.....	1080	1173
Stark.....	3020	3355
Summit.....	1213	2210
Trumbull.....	1478	3141
Tuscarawas.....	2446	2578
Union.....	720	1317
Van Wert.....	494	603
Vinton.....	865	764
Warren.....	1478	2678
Washington.....	1680	2334
Wayne.....	2584	2429
Williams.....	876	875
Wood.....	601	1141
Wyandot.....	1047	1201
Total.....	132,216	168,868

Friday, January 11, 1856.

The business of the convention being concluded,

On motion of Mr. Brown,

The Senators retired to their chamber.

The Senate being called to order by the President,

Mr. Brown presented the petition of Beder Goss and 108 voters of Portage county, praying the abolition of the office of State Commissioner of Common Schools, the library system, the township boards of education, and in favor of allowing each district to assess, collect, and disburse all money raised in their respective districts.

Referred to the Committee on Common Schools.

Mr. Hamilton presented the petition of Josiah Wheat and sundry other citizens of Union county, asking a law taxing dogs in this State at the rate of 50 cents a head per annum, to be paid into the county treasury of each county.

Referred to the Committee on Agriculture.

Mr. Taylor of Mahoning presented the petition of Wm. W. Whittlesey and 26 other voters of Canfield, Mahoning county, for an amendment of the law for the incorporation of villages.

Mr. Buckland presented the petition of Samuel Thompson and 42 other citizens of the townships of Sandusky and Balville, in Sandusky county, asking the passage of a law setting off so much of the reservation of two miles square, at the foot of the lower rapids of the Sandusky River, as is situated in said Ballville township, and that it be joined to Sandusky township, in said county.

Referred to Mr. Buckland, as a committee of one.

Mr. Gardner, from the Committee on Privileges and Elections, made the following report, viz :

The Standing Committee on Privileges and Elections, to which was referred the credentials of persons claiming seats in this body, by virtue of the last annual election, on the second Tuesday of October, 1855, have had under consideration said credentials, and carefully examined the same, and do report :

That the following gentlemen were duly elected Senators, to represent their respective districts in the General Assembly of the State of Ohio, for the period of two years, from and after the first day of January, A. D. 1856.

1st DISTRICT.—*Hamilton county*—Stanley Matthews, Wm. F. Converse, and George W. Holmes.

- | | | |
|----|---|--|
| 2 | " | <i>Butler and Warren counties</i> —David Heaton |
| 3 | " | <i>Montgomery and Preble</i> —Felix Marsh. |
| 4 | " | <i>Clemmont and Brown</i> —Chambers Baird. |
| 5 | " | <i>Greeve, Clinton and Fayette</i> —Nelson Rush. |
| 6 | " | <i>Koss and Highland</i> —Jacob Hyer. |
| 7 | " | <i>Adams, Pike, Scioto and Jackson</i> —H. S. Bundy. |
| 8 | " | <i>Lawrence, Gallia, Meigs and Vinton</i> —Chancey G. Hawley. |
| 9 | " | <i>Athens, Hocking and Fairfield</i> —John T. Brazee. |
| 10 | " | <i>Franklin and Pickaway</i> —Alfred Kelly. |
| 11 | " | <i>Clark, Champaign and Madison</i> —Joseph C. Brand. |
| 12 | " | <i>Miami, Durke and Shelby</i> —William H. Lawder. |
| 13 | " | <i>Lugan, Union, Marion and Hardin</i> —Cornelius S. Hamilton. |
| 14 | " | <i>Washington and Morgan</i> —Moses D. Hardy. |
| 15 | " | <i>Muskingum and Perry</i> —Eli A. Spencer. |
| 16 | " | <i>Delaware and Licking</i> —Daniel Gardner. |

- 17th DISTRICT.—*Knox and Morrow*—Robert C. Kirk.
 18 " *Cushocton and Tuscarawas*—Edwin Burnet.
 19 " *Guernsey and Monroe*—William Lawrence.
 20 " *Belmont and Harrison*—Chas. Warfel.
 21 " *Carroll and Stark*—John Beatty.
 22 " *Jefferson and Columbiana*—J. D. Cattell.
 23 " *Trumbull and Mahoning*—Robert W. Taylor.
 24 " *Ashtabula, Lake and Geauga*—Lester Taylor.
 25 " *Cuyahoga*—Hiram Griswold.
 26 " *Portage and Summit*—O. P. Brown.
 27 " *Medina and Lorain*—Herman Caulfield.
 28 " *Wayne and Holmes*—Joseph Willford.
 29 " *Ashland and Richland*—Joseph Musgrave.
 30 " *Huron, Erie, Sandusky and Ottawa*—Ralph P. Buckland.
 31 " *Seneca, Crawford and Wyandot*—James Lewis.
 32 " *Mercer, Auglaize, Allen, Van Wert and Paulding*—Edward M. Phelps.
 33 " *Hinckock, Wood, Lucas, Fulton, Henry and Putnam*—William S. Lunt.

All of which is respectfully submitted.

DANIEL GARDNER,
 JOHN BEATTY,
 EDWARD M. PHELPS.

Mr. Buckland, to whom was referred the petition of Samuel Thompson and others, reported by bill, which was read the first time.

Mr. Braze asked leave to introduce a bill to amend the law concerning bills of exchange and promissory notes, which was read the first time.

Mr. Buckland asked leave to introduce a bill ceding to the United States of America jurisdiction over certain lands in the cities of Toledo, Sandusky and Cleveland, and exempting the same from taxation, which was introduced and read the first time.

Mr. Marsh offered the following:

Resolved, That the Standing Committee on the Judiciary be instructed to report a bill abolishing capital punishment in the State of Ohio.

The question being on the passage of the resolution, a division was called for, and resulted as follows—yeas 9, nays 19.

So the resolution was lost.

On motion of Mr. Baird, it was

Resolved, That the Judiciary Committee be instructed to inquire what further legislation, if any, is necessary, to regulate the issuing of marriage licenses by probate judges, and to report by bill or otherwise.

On motion of Mr. Braze, it was

Resolved, That the Standing Committee on Agriculture be instructed to inquire what legislation, if any, is necessary to encourage the killing of dogs, for the protection of sheep—and also what is necessary to prevent depredations from stock running at large—with leave to report by bill or otherwise.

On motion of Mr. Brown, it was

Resolved, That a select committee of three be appointed by the President of the Senate to wait upon Thomas H. Ford, E-q., Lieutenant Governor elect, and inform him of his election and request his presence in the Senate chamber, Monday, January 14th, at 10 o'clock.

The President appointed Messrs. Brown, Holmes and Bundy, said committee.

Mr. Matthews gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to amend and supplementary to an act entitled an act requiring annual settlements by county officers, passed March 22, 1850, regulating the compensation of such officers, and providing for the collection of fees and costs.

Mr. Baird gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to repeal so much of the 313th section of the act to establish a county court procedure, passed March 11, 1853, as requires the parties to civil suits to give notice of their intention to testify on the trial of causes.

On motion of Mr. Brand, it was

Resolved, That the Committee on Finance be instructed to examine the present system of taxation, for State, county, city, town and township purposes, with a view of reporting to the Senate a system that will more equally distribute the burdens of taxation, and if possible to reduce the same; and that said committee may report by bill or otherwise.

On motion of Mr. Lewis, it was

Resolved, That a standing committee of three be elected by the Senate on the evils resulting from the traffic in intoxicating liquors.

On motion of Mr. Bundy, it was

Resolved, That the Committee on Banks and Currency be instructed to inquire into the expediency of reporting a bill at an early day to amend the act entitled "an act to incorporate the State Bank of Ohio and other Banking Companies," passed February 24, 1845, so that the capital stock of said State Bank may be increased to twenty millions of dollars.

Also a bill to incorporate a *Northern* and *Southern* Bank of Ohio, each with a capital stock of fifteen millions of dollars.

On motion of Mr. Brazee, it was

Resolved, That the Standing Committee on Municipal Corporations be instructed to inquire what legislation, if any, is necessary to enable cities to appropriate water rights to the use of water works; with leave to report by bill or otherwise.

On motion of Mr. Hamilton, it was

Resolved, That the Sergeant-at-Arms be directed to procure three copies of Curwen's Revised Statutes, and place them within the Hall for the use of members.

Mr. Hamilton gave notice, that on to-morrow, or some subsequent day of the session, he should introduce a bill for the relief of sureties and bail in certain cases.

On motion of Mr. Canfield, it was

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of establishing courts of conciliation, as contemplated by article 4, section 19, of the Constitution, and that said committee report by bill or otherwise.

Mr. Braze gave notice, that on to-morrow, or some subsequent day of the session, he would introduce a bill concerning the enacting and repealing of statutes.

On motion of Mr. Marsh, it was

Resolved, That the Standing Committee on the Judiciary be instructed to inquire into the propriety of giving the courts of Common Pleas exclusive criminal jurisdiction wherein the Probate Court now has jurisdiction, and report by bill or otherwise.

On motion of Mr. Matthews, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the code of civil procedure, so as to prevent parties to suits from testifying in their own behalf, unless called by the adverse party, and that they be authorized to report by bill or otherwise.

Mr. Matthews gave notice, that on to-morrow, or some subsequent day of the session, he would introduce a bill so to amend the code of civil procedure, as to permit the plaintiff to demur to the answer of the defendant, in cases where it does not contain new matter constituting a counter claim or set off.

On motion of Mr. Griswold, it was

Resolved, That the Senate now proceed to the election of the Standing Committee on the evils resulting from the traffic in intoxicating liquors; which was agreed to.

Mr. Griswold then nominated Messrs. Lewis, Hamilton and Brown.

The question then being on the election of the Senators named, they were unanimously elected.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Message from the House of Representatives.

Mr. President :

The House has passed the following resolution :

Resolved by the Senate and House of Representatives, That a committee of five on the part of the House, and — on the Senate, be appointed to wait upon the Hon. Salmon P. Chase, Governor elect, informing him of his election, and ascertain when it will suit him to take the oath of office, and communicate with the General Assembly.

Attest :

JAMES S. ROBINSON, Clerk.

The question then being on agreeing to the joint resolution of the House,

Mr. Musgrave moved to fill the blank with the word "three;" which was agreed to.

The resolution, as amended, was then adopted.

The President appointed Messrs Taylor, of Mahoning, Phelps and Musgrave said committee.

Mr. Taylor, of Geauga, moved that Mr. Lunt have leave of absence; which was agreed to.

On motion of Mr. Lawrence, it was

Resolved, That the Board of Public Works be requested to communicate to the

Saturday, January 12, 1856.

Senate, at their earliest convenience, all the information in their possession, relative to the condition and state of repair of the national road, since it went into the hands of the present lessees.

On motion of Mr. Marsh, it was

Resolved, That the Standing Committee on the Judiciary be instructed to inquire into the propriety of repealing the 11th section of an act entitled, "An act relating to wills, and to repeal former acts relating thereto," and report by bill or otherwise.

Mr. Warfel moved to take up the Governor's Message, for the purpose of referring it to the appropriate committees; which was agreed to.

On motion of Mr. Spencer, it was

Resolved, That the Message of the Governor be referred to a committee of three, whose duty it shall be to make an apportionment among the several committees, and that they submit the same to the Senate.

The President appointed Messrs. Spencer, Lawrence and Brazer said committee.

Mr. Hamilton gave notice, that on to-morrow, or some subsequent day of the session, he would introduce a bill for the relief of sureties and bail in certain cases.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

SATURDAY, JANUARY 12, 1856.

Prayer by the Rev. James Hoge.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate amendment to House joint resolution, to wit : On the Governor elect, &c., and have appointed on the part of the House Messrs. Yaple, Slough, Burke, Jewett and Bingham said committee.

Attest :

JAMES S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The following bills have been introduced into the House and read the first time :

H. B. No. 1 ; A bill to restore to the Court of Common Pleas the jurisdiction of minor offences.

H. B. No. 2 ; A bill to fix the time of holding the Court of Common Pleas in the third sub-division of the fifth judicial district.

H. B. No. 3 ; A bill to repeal the act to prohibit the circulation of foreign bank bills of a less denomination than ten dollars.

Attest :

JAMES S. ROBINSON, Clerk.

S. B. No. 1 ; To repeal the act entitled "an act to prohibit the circulation of foreign bank paper of a less denomination than ten dollars," passed May 1, 1854, was read a second time and referred to the Committee on Currency.

Mr. Heaton gave notice that on Monday next, or some subsequent day, he would introduce a bill repealing so much of the second section of the act entitled an act "to provide for the proof, acknowledgment and recording of deeds and other instruments of writing," passed February 22, 1831, as requires the examination of the wife, separate and apart from her husband, by the officer taking the acknowledgement.

Mr. Brown, from the select committee appointed to wait on Lieutenant Governor Ford, and inform him of his election, and requesting his presence in the Senate, reported that the committee had waited upon Mr. Ford, and that he would be present at the time named in the resolution.

Mr. Braze gave notice that on Monday next, or some subsequent day of the session, he would ask leave to introduce a bill providing for the sale of Railroads, and other corporations.

Mr. Baird asked and obtained leave to introduce the following bill :

"An act to amend an act entitled an act to establish a code of civil procedure," passed March 11, 1853.

Which was read the first time.

Mr. Buckland asked and obtained leave to introduce the following :

A bill to fix and provide for holding the terms of the Courts of Common Pleas in the fourth Common Pleas District of Ohio.

Which was read the first time.

Mr. Braze asked and obtained leave to introduce

A bill concerning the enacting and repealing of statutes.

Which was read the first time.

Mr. Matthews asked and obtained leave to introduce

A bill to amend an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

Which was read the first time.

Mr. Brown asked and obtained leave to introduce the following bill :

An act fixing the compensation of members of the General Assembly, and of Clerks and Assistant Clerks, Sergeants-at-Arms and Assistant Sergeants-at Arms of the Senate and House of Representatives of the State of Ohio.

Which was read the first time.

On motion of Mr. Willford, it was

Resolved, That the Standing Committee on Roads and Highways be requested to inquire into the propriety of authorizing the County Commissioners to reduce the width of State roads.

On motion of Mr. Marsh, it was

Resolved, That the Standing Committee on the Judiciary be instructed to inquire into the expediency of repealing that portion of the 11th section of an act entitled "an act to amend an act relating to the organization of courts of justice, and their powers and duties," passed March 14, 1853. which gives the District Court appellate jurisdiction in all civil cases in which the Common Pleas has original jurisdiction.

Which was agreed to.

On motion of Mr. Taylor of Geauga, it was

Resolved, That the Standing Committee on Roads and Highways be instructed to inquire into the expediency of so amending the laws regulating the laying out and vacating county roads and assessing damages, that the County Commissioners be required to discharge all the duties personally now required of viewers, and to report by bill or otherwise.

On motion of Mr. Matthews, it was

Resolved, That the Standing Committee on the Judiciary be instructed to inquire into the expediency of revising the several acts now in force relative to the summoning of juries in civil and criminal cases, and determining the qualifications of jurors; and that they report what amendments, if any, are necessary to improve the present system, and secure its efficiency.

Message from the House.

Mr. President:

The following bills have been introduced into the House, and read the first time.

H. B. No. 4; To amend an act entitled "An act to incorporate the Western Farmers' Insurance Company," passed March 22, 1849.

H. B. No. 5; To amend the second section of the act entitled "An act for the incorporation of townships," passed March 14, 1853.

H. B. No. 6; A bill supplementary to an act defining the powers and duties of justices of the peace, and constables in criminal cases.

H. B. No. 7; To authorize the trustees of Madison township, Franklin county, to convey a portion of school section sixteen, for school-house purposes.

Attest:

JAMES S. ROBINSON, Clerk.

On motion of Mr. Marsh, it was

Resolved, That the Standing Committee on Salaries and Fees of public officers be instructed to inquire into the propriety of so amending the 15th and 16th sections of the act entitled "An act to regulate the fees of officers in civil and criminal cases, as to increase the per diem allowance of the jurors therein named.

Mr. Matthews offered the following for adoption:

Resolved, That the Attorney-General be requested to communicate to the Senate his opinion in writing upon the following questions:

1st. Whether the General Assembly has constitutional power, by special or general laws, to amend the charters of incorporated companies, the acts incorporating which were in force at the time the present constitution took effect, with the consent of those companies; and to provide a mode by which they may be amended: and if so, by what kind of laws, and as to what kind of corporations, such amendments may be made; and within what limits.

2d. What would be the effect of such amendments, if made and accepted, upon the rights and responsibilities of the stockholders in such corporations.

Mr. Kelly moved to refer the resolution to the Committee on Corporations other than Municipal.

On motion of Mr. Matthews the yeas and nays were called, and resulted yeas 18, nays 13.

Monday, January 14, 1856.

53

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Burnett, Cattell, Griswold, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Musgrave, Taylor of Mahoning—19.

Those who voted in the negative were—

Messrs. Buckland, Canfield, Converse, Gardner, Hardy, Holmes, Lawrence, Marsh, Matthews, Phelps, Spencer, Taylor of Geauga, Willford—13.

So the resolution was referred to the Standing Committee on Corporations other than Municipal.

Mr. Brand, from the Select Committee on Rules for the Senate, asked leave to report, which was agreed to, and the report was read.

The question then being on agreeing to the report,

Mr. Taylor of Geauga moved as an amendment, that the following additional rule be added to the report.

Which was agreed to.

45th. The Clerk shall, after calling the yeas and nays, read over the names of those voting in the affirmative and those voting in the negative, before the vote is declared.

Mr. Brand moved as an amendment to the 9th rule, that the words "exceptional words" be stricken out, and insert in lieu thereof "words excepted to."

Which was agreed to.

Mr. Bundy moved as an amendment, that after the words "committee or on," strike out "motion for leave" and insert "notice or leave."

Which was agreed to.

The Rules, as amended, were then agreed to, as follows: and the usual number ordered to be printed.

(See Appendix.)

The Senate then adjourned till 10 o'clock A. M. on Monday next.

Attest:

W. T. BASCOM, Clerk.

MONDAY, JANUARY 14, 1856.

Prayer by the Rev. Dr. Hoge.

Mr. Taylor of Mahoning, from the joint select committee appointed by the two Houses to wait upon the Governor elect, to inform him of his election, and ascertain when it will be convenient for him to take the oath of office prescribed by the constitution, made the following report:

Mr. President:

The joint committee of the two Houses, appointed to wait upon the Hon. Salmon P. Chase, and notify him of his election to the office of Governor of the State,

have discharged that duty, and now report that Mr. Chase will take the oath of office in the hall of the House of Representatives at the hour of three this afternoon.

January 14, 1856.

Mr. Brazee then offered the following for adoption, which was agreed to.

Resolved by the General Assembly of the State of Ohio, That both branches of the General Assembly, will meet in the hall of the House of Representatives at three o'clock P. M. this day for the purpose of witnessing the inauguration of the Governor elect.

The President then laid before the Senate the following :

Report of the Governors' Contingent Fund.

Report of the Governor on pardons

Mr. Brazee asked and obtained leave to introduce the following :

A bill to provide for the sale of Railroads and other corporations.

Which was read the first time.

Mr. Brown from the select committee appointed to wait on Hon. Thomas H. Ford and inform him of his election, and request his presence in the Senate, made the following report :

The select committee appointed to wait on the Hon. Thomas H. Ford, and inform him of his election to the office of Lieutenant-Governor of the State of Ohio, and request his presence in the Senate Chamber to day, have discharged the duty assigned them, and are happy to say that the Lieutenant-Governor is now present, and ready to take the oath of office.

The oath of office, and the oath to support the constitution of the United States, and of Ohio, was then administered to the Hon. Thomas H. Ford, Lieutenant-Governor elect, by Hon. John L. Green, one of the Judges of the Court of Common Pleas for the fifth Judicial District.

Lieutenant-Governor Thomas H. Ford was then conducted to the chair of the President, and proceeded to address the Senate as follows :

Gentlemen of the Senate :

The duties which pertain to the office to which I have been called by the people, except in the contingency provided for in the constitution, are limited, though not without responsibilities: responsibilities which will doubtless for a time cause me no small degree of embarrassment, for I am entirely wanting in a knowledge of the duties of the chair. But this deficiency shall be remedied, so far as a proper regard for the advice of those better acquainted with parliamentary rules than myself, and unremitting exertion on my part can avail.

In the meantime I hope this honorable body will cordially extend to me a considerate indulgence, resting well assured, as you may, that I come to preside over you with no other feelings than those of justice and courtesy, and with a firm determination, to the best of my abilities, to apply the rules established by yourselves with strict impartiality; to protect the rights, and respect the feelings of all.

As the presiding officer of the Senate, not authorized to participate in debate, and only to vote when the body may be equally divided, I must, notwithstanding, feel a deep interest in the result of those deliberations as they shall tend to advance the interests of the commonwealth. To the Executive head of the Government belongs the privilege, as it is made his duty, to recommend to the General Assembly such measures as he may deem important to the public weal. As, therefore, it is

not expected, so it would seem improper that the presiding officer of this body should assume in any way the exercise of that function.

The intimate official relations which I bear, however, to this branch of the Government, may excuse me if I shall venture to allude to the circumstances under which the General Assembly is convened. Rarely, if ever, since the organization of the State Government, has a greater responsibility devolved upon the law-making power, in view of the demand for prompt and well considered legislation on the most important and intricate subjects of taxation and finance, that it is now called upon to meet.

The real sources of the well founded complaints that come up from every quarter in regard to the burthens of taxation, lie beyond the vision of the mere superficial observer, to whose eye nothing but general prosperity is apparent. To your wisdom is confided the task of probing this subject, with the confident expectation of remedy and relief.

There are not a few, however,—and of those are to be found numbers of the most valuable citizens—who look to the action of the General Assembly with doubt, if not with distrust. So absorbed has the public mind, (or to speak more properly, the minds of those who assume to think for the public,) of late been in the consideration of national affairs, that the interests of the State and of the people have, to a great extent, been lost sight of. It would not be going too far to say that the power and patronage of the Federal Government exercise such an influence over the action of political parties, and, by sympathy over that of the individual citizen, as to give rise to well grounded apprehension that the sovereignty, honor, and dignity of the State may become objects of secondary consideration.

The relation which the National and State Governments bear to each other, and the fealty which as citizens we owe to each within the sphere prescribed to them by the theory of the Union, I shall not presume to consider. Suffice it to say, that the tendency to which I have referred is inimical to the integrity of both, if it be admitted, as it cannot be denied, that we shall best secure the great purposes for which they have been established, by regarding each as supreme within the limits of its legitimate, constitutional sphere of action.

To the Congress of the United States is committed the exclusive power to legislate upon national affairs. To the General Assembly of Ohio is alike committed the exclusive power of providing for the wants, and developing the interests of the State and the people. Whilst upon the one hand we shall not hesitate to resist encroachments upon the rights of the State, or the people, come from whatever quarter they may; so, on the other, we shall best manifest a just appreciation of our own rights, by abstaining from any interference with subjects committed to other powers, and devoting ourselves to the exclusive consideration of the various and diversified interests of the people of Ohio which they have confided to our charge.

That you, gentlemen, will be found adequate to the delicate and responsible duties you are called to discharge, and that all your actions will be governed by the paramount consideration that the interest and honor of the State of Ohio are alone and exclusively committed to your charge, I am not permitted to doubt.

Unaccustomed as I am to the duties devolving upon me, in my present position, I shall, however, endeavor to perform my duties so as to merit the approval due to the best intentions.

On motion of Mr. Griswold,

The Inaugural Address of Lieutenant Governor Ford, was ordered to be entered upon the journal of the Senate.

Monday, January 14, 1856.

On motion of Mr. Brown, it was unanimously

Resolved, That the Hon. James Myers, late Lieutenant Governor of this State, has, by the impartiality, dignity, and ability with which he has presided over the deliberations of this body, commanded our confidence and esteem, and that he carries with him, in his retirement, our best wishes for his happiness and prosperity.

The Senate then took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate joint resolution relative to meeting in joint convention at 3 o'clock P. M., this day, to witness the inauguration of the Governor elect.

Attest:

JAMES S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The hall of the House is now ready for the reception of the Senate, for the purpose of witnessing the inauguration of the Governor elect.

Attest:

JAMES S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President:

The following bills have been introduced into the House, and read the first time :

H. B. No. 9 ; To repeal the act entitled " An act supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper."

H. B. No. 10 ; To amend the act entitled " An act to provide for the collection of claims against steamboats and other water crafts, and authorizing proceedings against the same by name," passed Feb. 26, 1840.

H. B. No. 11 ; A bill supplementary to, and amendatory of, an act entitled "An act defining the jurisdiction and regulating the practice of Probate Courts."

H. B. No. 12 ; A bill to amend section 4 of the act entitled " An act to regulate the agencies of insurance companies, not incorporated by the State of Ohio," passed May 1st, 1854.

Attest:

JAMES S. ROBINSON, Clerk.

On motion of Mr. Rush,

The Senate, preceded by its officers, then retired to the hall of the House of Representatives, and the members being seated therein, the Governor elect was conducted to the Speaker's chair, where he delivered his Inaugural Address, as follows :

INAUGURAL ADDRESS.

Fellow-Citizens of the Senate and House of Representatives—

It has pleased the people of Ohio to call me to their service in the capacity of Governor of the State.

Before entering upon the discharge of the duties to which I am thus summoned, I am required, by the fundamental law, to take an oath or affirmation to support the Constitution of the United States and of this State, and to take also an oath of office.

In compliance with a venerable usage, not established, indeed, by the Constitution, but recommended by the examples of all my predecessors, I now appear before you for the purpose of taking upon myself the solemn obligations which the Constitution imposes; of declaring, briefly, the general principles by which, in my judgment, the conduct of public affairs should be regulated, and of indicating some of their more obvious applications.

The constitutional duty of communicating to the General Assembly the condition of the State, and of recommending measures by him deemed expedient, devolved upon my predecessor, who has, accordingly, laid before you the reports of the several State officers, accompanied by such recommendations as seemed to him most likely to promote the public welfare.

The duty which usage imposes upon me, requires no detailed exposition or elaborate discussion.

In the discharge of that duty, I shall speak with diffidence but with frankness. A profound sense of defective information and limited ability will forbid presumption; while gratitude to the people, as deep as it is fervent, for the generous confidence which their suffrages evince, will constrain me, irresistibly, not only to the best exertion of all my faculties in their service, but to the plainest declaration of the views of public policy, which investigation and reflection have led me to adopt, subject always to the corrections of reason and experience.

If I may not hope for general concurrence in these views, I may at least expect from the intelligence and justice of the people, candid consideration and impartial judgment.

The sovereignty of the people is the distinguishing characteristic of our institutions. The people constitute the State. Government is nothing but the administration of the affairs of the people by the agents of the people, selected in such manner, and invested with such powers, as are best adapted, in their judgment, to the security of their own rights, and the advancement of their own interests.

To the successful working of such institutions, two conditions are indispensable. The first is personal freedom; the second is official responsibility. Without personal freedom, inviolably secured to every individual, there may be a community of privileged superiors and degraded dependents; but there cannot be, in the true sense of the word, a people. Without responsibility, constantly exacted, and rigorously enforced, the servants of the people are but too apt to become their masters. Eternal vigilance, it has been well said, is the price of liberty.

In our own State, personal freedom is guaranteed by the fundamental law; and the responsibility of public servants is secured by the partition of governmental powers, by strict limitations of authority, and by frequent elections.

To you, Senators and Representatives, belongs exclusively the function of legislation. No part of this power, and no control whatever over your exercise of it, is confided to the Executive. To him belongs the duty of recommending to your consideration such measures as he may think best adapted to promote the public welfare; but there his duty ends. The rest is yours.

To secure individual rights against invasion; to furnish adequate remedies for the redress of injuries; to provide the means, and diffuse the benefits of educa-

tion ; to rescue from unhappy destinies those children of sorrow, the deaf, the dumb, the blind and the insane ; to define the just course and limits of individual and associated action ; to develop the resources, protect the interests, and defend the honor of the State ; to maintain the public faith, and make provisions for the discharge of the public obligations :—these are some of the high duties which the Constitution of the State and the choice of the people devolve upon you.

For the supply of the means necessary to the due performance of these duties, and to the proper administration of the State government, the patriotism of the people may be safely trusted ; but they will justly require that no more revenue be collected than is indispensably necessary to these ends ; and that clear accounts be rendered of its faithful application to proper public purposes.

The burdens of taxation have become very grievous. Reform, both in measure and in mode, is universally demanded ; and I earnestly invoke your most serious attention to this important matter. As far as possible, the aggregate of taxation should be reduced by the introduction of rigid economy into every branch of the public service ; and the greatest care should be taken to apportion its burdens equally upon all non-exempt property of every description, by whomsoever held. No favor and no disfavor should be shown toward one description of property or class of owners, rather than toward another.

Under instructions issued by the late Auditor of State, the statutory right of each citizen to deduct his debts from his credits, in listing his property for taxation, has been denied. In issuing these instructions, the late Auditor was governed, doubtless, by respect for a decision of a majority of the Judges of the Supreme Court, by which the section of the act which allows this deduction, was declared to be unconstitutional. Notwithstanding that decision, however, the Legislature has not thought fit to repeal the law, and it may be doubted whether the Court, upon re-consideration, will adhere to the opinion heretofore expressed. Should the present Auditor, under these circumstances, think it his duty to conform his instructions to the statute, which remains unrepealed, rather than to the opinion of the majority of the court, the right denied by his predecessor will be restored.

A sound and sufficient currency is indispensable to the welfare of every civilized community. The best practicable currency, in my judgment, would be a currency of coin, admitting the use of large notes only, for the convenience of commerce. Such a currency, however, is only attainable through the legislation of Congress, and the action of the General Government. Connected as we are on all sides with States in which banks of circulation are established, our actual currency, in the absence of adequate banking capital within our limits, must necessarily be supplied, in a great measure, by institutions beyond our control and exempt from our taxation. All attempts to exclude, by penal legislation, the bank notes of other States from circulation in this, have proved ineffectual ; and the public sentiment demands an increase of banking capital, organized under our own laws, contributing, in just measure, to our own revenues, and sufficient to furnish the necessary facilities for the transaction of business. The Constitution of the State indicates the mode in which this demand may be satisfied. It provides for authorizing associations with banking powers, by act of the General Assembly, to be submitted to the people at the next general election, and not to take effect, unless then approved by a majority of all the voters. In framing such an act, should you deem it expedient to exercise the power thus vested in you, the utmost care should be used to secure the prompt and certain convertibility of every note issued, into gold or silver coin, upon demand of the holder ; to protect the community against all abuses of granted powers ; and to guard against the evils of monopoly by extending the benefits of the act to all who will give the ample securities and guaranties which you will doubtless require. No general objection exists to a mixed currency of coin, and notes exchangeable for coin at the will of the holder, without loss ; while all mere

paper money systems, pregnant with fraud and fruitful of ruin, justly incur universal reprobation.

For several years past the law has allowed contracts for interest at the rate of ten per centum. There seems to be no valid reason why the capitalist should be encouraged to demand so large a proportion of the earnings of the producer and the profits of the manufacturer and the merchant. I therefore respectfully suggest a material reduction of the maximum rate allowed.

I need not commend to your judicious consideration the Educational and Benevolent Institutions of the State. Universal Education is our cheapest defence, and surest safeguard, and most enduring wealth. Our Common Schools, which secure to the people this great benefit, are firmly established in their affections, and will justly claim the fostering care of their representatives. Our Benevolent Institutions are a noble complement to our educational system. Their existence honors the State, and every patriotic citizen must feel a deep interest in their improvement and prosperity. The duty of the State will not be fully performed until the benefits of these institutions shall be extended to all, without distinction, who need their care.

The organization and discipline of the Militia will require your early consideration. The laws on this subject need thorough revision to adapt them to the requirements of the Constitution. Adequate provision should be made for the enrollment of all citizens liable to military duty, in order to secure to the State her due proportion of the public arms. No necessity, however, seems to demand actual service from any who do not feel disposed to perform it. Efficiency and energy will probably be better secured by the judicious encouragement of voluntary organization. The patriotism of individual citizens, properly sanctioned and supported by legislation, will doubtless supply a military force fully competent to all the exigencies of police, and to whatever more serious contingencies may possibly arise.

The Constitution of the State provides for its own amendment, and assigns to the Legislature the duty of proposing such modifications as experience suggests. Changes in the fundamental law should ever be made with caution; but amendments which commend themselves, by their intrinsic merits, to the judgment of the Legislature, and seem to be demanded also by a general opinion among the people, have a just claim to be submitted to the final test of popular decision at the polls.

That the people are the source of all political power is the fundamental principle of democratic institutions. To secure a true and complete expression of the popular will must therefore be a leading object in every system of representative government. And this object cannot be attained unless representation be so apportioned among the different parts of a State as to give to each its just weight in legislation and administration. It is obvious that there can be no complete expression of the popular will, unless the representative be brought into the closest possible relations of sympathy and responsibility with his constituents; and that there can be no just apportionment where the representation of one part of a State is so arranged as to give to its delegation in the Legislature a greater share of political power than is given to the delegations of other parts of equal population.

It cannot well be denied that a uniform system of single districts will best secure a proper choice of representatives, and their due responsibility to the people, and a fair distribution of political power.

Where one representative is chosen to represent one district, there will necessarily be the most careful scrutiny of qualification; the least liability to misinformation and mistake; the closest sympathy in opinion and purpose; the most vigilant observation of representative action; and the liveliest sense of representative responsibility. Where more representatives than one are chosen from the same district, all these securities are sensibly impaired. Opportunity is afforded for

unwarrantable combination among aspirants and their partizans; the people are disabled from informing themselves thoroughly as to the character and qualifications of candidates; and the decisions of the majority of a delegation, conformed to the interests of party, are apt to be substituted, as guides of representative action, for the will of the constituency, determined by a true regard for the interests of the people.

In the Convention which framed our present State Constitution, the subject of representation was much discussed. By many of the most enlightened and most respected members of that body, of all political parties, the division of the State into single districts for the choice of Senators and Representatives was earnestly defended and strenuously urged. A majority of the Convention, however, preferred and adopted the existing system.

It will hardly be insisted, that this system has proved satisfactory to the people.

It is founded upon no consistent principle. In much the largest part of the State it establishes single districts, while it creates dual and plural districts in the remaining parts. For the choice of Senators, the whole State is divided into single districts, except Hamilton county. That county is made a plural district, with three Senators. For the choice of Representatives, fifty counties are arranged as single districts of one or more counties each; thirty counties are made single districts for some, and dual districts for other representative terms; four counties are constituted permanent dual districts; two counties are made sometimes dual, and sometimes plural districts; and one county, Hamilton, is constituted a permanent plural district, with eight Representatives for each of the first four Representative terms, and seven for the fifth.

While thus defective in principle, the system fails to commend itself by its practical operation.

Let the largest plural district, Hamilton county, be compared, for example, with Morrow county, a single district. Hamilton county has eight Representatives, while Morrow county has but one. Each elector in Hamilton, therefore, votes for and is represented by eight delegates. Each elector in Morrow votes for and is represented by but one. Each elector in Hamilton county may appeal, as a constituent, to eight different members of the House of Representatives, while each elector in Morrow county can appeal to one only. The elector in Hamilton is thus preferred in political consideration, to the elector in Morrow. The inequality is aggravated by the reflection that the majority by which the eight Representatives from Hamilton are elected, may be less than that which elects the single Representative from Morrow.

Let the same plural district be compared, also, with a number of single districts, having the same aggregate representation in the more numerous branch of the General Assembly. Hamilton county occupies the Southwestern part of the State. Fifteen counties, in the Northwestern part of the State, constitute eight single districts. The Representatives of these districts, separately elected and separately responsible, are often divided; while the Representatives from Hamilton, elected together, and comparatively irresponsible, act together and in concert. While, therefore, in the choice of a Senator of the United States, and upon many other questions, Hamilton county, with her undivided representation, will have, practically, eight votes, the fifteen Northwestern counties, their representatives being equally divided, may have, practically, none.

For the sake of perspicuity, I limit this comparison to the arrangement of the Representative Districts. Your own reflections will extend it to the arrangement of Districts for the choice of Senators.

It hardly needs to be remarked that the existing system, while thus unjust to the counties arranged in single districts, is prejudicial to the interests of the more populous counties themselves. Its necessary tendency is to excite jealousies in

portions of the State against other portions, which must prove hurtful. It fails, also, to secure, in the plural districts, a satisfactory representation of the various interests and sentiments of the people. In the county of Hamilton, for example, the political minority, however considerable and respectable, can have no adequate representation. Townships and wards, with populations which, with a system of single districts, would entitle them to separate Representatives, are liable to have their particular interests and views overlooked and disregarded under the pressure of political exigencies. Constituents cannot well know their representatives, and representatives are absolved, in great measure, from their individual responsibilities to their constituents. The demands of the people, under such circumstances, will necessarily be subordinated to the demands of political organizations, and the public good must often yield to party necessities.

That a system of single districts will prove an absolute remedy for all these political evils, no one, perhaps, will venture to expect. I am fully persuaded, however, that it would secure a much more perfect popular representation than we have at present, and I therefore recommend that an amendment to the Constitution, providing such a system, be submitted to the people for their adoption or rejection.

While the true principles of popular government thus require the most complete and perfect representation of the people which is attainable, they require, also, and no less imperatively, frequent meetings of the representative Legislature, for the thorough supervision of administrative action, for the prompt remedy of evils, and for the due provision of necessary means and measures for guarding the public interest and promoting the public welfare.

The existing Constitution authorizes only biennial sessions, except in cases when the Governor, upon extraordinary occasions, may deem himself warranted in specially convening the Legislature.

Under this provision, the whole administrative power of the State is left for two years in the hands of the Executive and Judicial departments, without legislative check or limitation. There can be no impeachment or removal, during that period, of any State officer, for any cause, however urgent. The Constitutional responsibility of State officials, to the immediate representatives of the people, is thus, in great part, practically nullified. A profound writer has well observed, that every departure from annual legislative sessions is an approach toward irresponsible government and despotism.

Numerous occasions must necessarily arise, in a State so large as ours, from past legislative acts or omissions, as well as from various contingencies of other descriptions, which, in the aggregate, will imperatively require the attention of the Legislature, although no one of them may constitute such an extraordinary occasion as will warrant the exercise of the special power vested in the Governor. Expediency, therefore, no less than principle, seems to recommend annual rather than biennial sessions.

There are some collateral considerations, tending to the same conclusion, which should not be overlooked.

The present Constitution allows no amendment of its provisions, except such as may be agreed to by three-fifths of the members of each House, and by a majority of the electors voting at the next election for Senators and Representatives. It follows that no amendment of the Constitution can be made, however unanimously sanctioned by the Legislature or demanded by the people, until two years after it shall have been proposed. The substitution of annual for biennial sessions will necessarily require annual elections for Senators and Representatives, and will thus remove this needless and disparaging restriction upon the exercise of the popular sovereignty.

It so happens, also, that the terms of Senators from this State in the Congress of the United States, expire during the second years of the biennial periods. Every

election of Senator, therefore, while our State Constitution shall remain unamended, must, under ordinary circumstances, take place more than a year before the expiration of the current term, and nearly two years before the Senator elect will take his seat. It may sometimes occur that a Senator thus chosen, so long in advance of the commencement of his term, will by no means represent the sentiments or the will of the people, when he actually enters upon the performance of his official duties.

Those who are accustomed to look to the State Governments for the maintenance of State Rights and the security of personal rights, will find another reason for a preference of annual to biennial sessions, in the obvious consideration, that while the sessions of Congress are annual, and those of the State Legislature are only biennial, the regards of the people will be more and more absorbed by the former, and less and less attracted by the latter. No well wisher to the permanence of American institutions, will desire to augment the tendency, already too apparent, toward the absorption of the States in a centralized and consolidated Federal Government.

The greater expense of annual sessions is sometimes urged as an argument in favor of biennial; and every argument drawn from the important principle of public economy, is certainly entitled to respectful consideration. But I think it may well be affirmed, that, in this instance, the argument from economy is not valid. Without taking into the account the cost to the State of the mischief arising from the delay of needed legislation, it must be remembered that the accumulation, through two years, of business demanding the attention of the General Assembly, will require protracted sessions for its due consideration. The time needed for two annual sessions is not, necessarily, greater than that required for one biennial session. The argument from expense, therefore, may be readily obviated by a proper limitation of duration, and the question of preference may be reduced to a simple choice, irrespective of expense, between limited annual sessions, and unlimited biennial with occasional extra sessions. My own judgment is so thoroughly satisfied upon the whole matter, that I cannot hesitate to recommend an amendment of the Constitution, providing for limited annual sessions:

Your first and most earnest attention, gentlemen, will doubtless be directed to the important matters within the immediate sphere of your legislative powers; but you cannot forget that you represent a sovereign State of the American Union, third of the thirty-one, in wealth, and power, and population, and second to none in patriotic devotion to the welfare of the whole country. The appointment of a Senator to represent the State in one branch of the American Congress devolves upon you, and in making this appointment you will necessarily be required to consider the interests of Ohio as a member of the Union.

Foremost among these interests is the preservation of the Union itself. Established by the wisdom of our Fathers, for the sublimest and noblest political ends, it descends to us as a sacred trust. Under its benign influence, our country has steadily advanced from strength to strength, and from greatness to greatness, extending her borders, enlarging her resources, and augmenting her power, until the name of American citizen has become a nobler distinction than was the name of Roman citizen in the proudest days of the mightiest Republic of antiquity. To maintain the integrity of this Union; to defend the Constitution which is its bond; and to guard against all invasion, from whatever quarter, those American Institutions which the Union and the Constitution secure to us, have ever been, and I trust will ever be, acknowledged as sacred obligations by the people of Ohio.

Cherishing these sentiments, and ever prepared to give full proof of unwavering fidelity to them, it is not only our right, but our duty, to insist that the interests of Ohio shall be duly regarded in the administration of the General Government. Few States contribute so largely to the national revenues as our own. The people of Ohio have paid to the Federal Government or to its grantees, for the soil which

they occupy and cultivate, more than thirty millions of dollars. Of the revenue derived from duties, we contribute necessarily in proportion to our numbers. As the population of our State is about one-tenth of the entire population of the Union, we pay about one-tenth of that revenue. Its entire amount for the last year exceeded sixty millions of dollars. The proportion of Ohio exceeded, of course, six millions.

While we have thus paid for the very soil we live on, an amount which no other people has ever paid under like circumstances or under any circumstances, and while we still contribute thus amply and freely to the annual revenue, it is not an agreeable reflection that, of all the States in which the General Government has asserted a proprietary right to the soil, Ohio has received the least in grants of lands for education, improvement, and other like purposes; and that while millions are expended for the protection and benefit of commerce on the ocean coasts of the Republic, the property and lives of our own people are exposed to continual peril and enormous loss upon our rivers and our lakes, for the want of comparatively insignificant appropriations for the improvement of their channels and harbors. The injustice of unequal grants of lands is perhaps beyond remedy; but it will be our own fault if our rivers and harbors continue to be thus neglected.

While in these and many other important details of administration, the interests of our own State are deeply affected by the action of the National Government, we are even more vitally concerned in the great principle by which that action and the progressive development of our country are regulated and controlled.

As man is more than his circumstances, as freedom is better than wealth, as rights are more important than institutions, it becomes us to look well to the fundamental ideas which determine the character of Government, and the course of its practical operation.

The basis of American Institutions is the democratic principle of equality among men. They rest upon the solid foundation of popular consent. The primary objects of their establishment are the defence and protection of personal rights. If they fail to secure these ends, it is the duty of the people who established, to amend or change them. To organize and administer Government upon these principles, is the true work of a republican people.

While the democratic idea thus constitutes the basis of American Institutions, various exceptions, under the pressure of real or supposed exigencies, have been admitted to its universal application. Among these, Slavery, the creature of despotism and the deadly opposite of democracy, claims baleful pre-eminence.

When our country asserted her independence, slavery existed in all the States. Its evil influences, social and political, were, however, well understood, and its irreconcilable antagonism to the rights of human nature and the principles of just government, was universally acknowledged.

The founders of the Republic, in framing our institutions, were careful to give no national sanction to this portentous anomaly; but they attempted no interference with its existence in the States. Outside of State limits, they allowed it no shelter. Within State limits, they left it to the exclusive disposition of States immediately concerned. No fact is better established by the records of the past, than the prevalence, during the earlier period of our history, of an almost universal expectation that slavery, excluded, by positive prohibition, from all national territory, would gradually but certainly, and at no distant day, under the operation of the principles of the Declaration of Independence, and through the action of the State authorities, disappear wholly from every State of the Union. The foremost champions of freedom were citizens of slave States, and occupied the highest stations in the State and National governments.

In 1784, immediately after the partial adjustment of the conflict between the claims of the Union and the pretensions of the States in respect to the territory

between the Alleghanies and the Mississippi, though the cession, by Virginia, of the territory northwest of the Ohio. Jefferson proposed to provide forever against the extension of slavery, by a positive prohibition of its existence after 1800, in any territory ceded, or to be ceded, or in any State to be created out of such territory. This proposed prohibition received the votes of sixteen out of twenty-three delegates, and of six out of nine States in the Congress of the Confederation. It failed to become a law by reason of that provision of the Articles of Confederation which made the concurrence of at least seven States necessary to an affirmative decision of any question. The great majority in its favor indicates, however, the prevalent sentiment of the time.

Three years later, the Ordinance of 1787 impressed upon the soil of the territory northwest of the Ohio an indelible prohibition of slavery. That Ordinance was adopted by the unanimous votes of all the States in Congress. It covered every inch of territory subject to the exclusive regulation of the general government.

In the same year the National Constitution was framed. Mr. Madison declared it "wrong to admit in the Constitution the idea that there could be property in men." No such word as slave or slavery found place in any of its provisions. All recognition of the rightfulness of slaveholding, and all national sanction of the practice, was carefully excluded from the instrument. In every clause which has been, or can be construed as referring to slavery, it is regarded as the creature of State legislation, and dependent, wholly, upon State legislation for its existence and continuance. There is no trace in the Constitution itself, or in the debates of its framers, of any expectation or apprehension of the institution or maintenance of slavery by national law, or in national territory. No one anticipated its extension beyond the limits of the existing States.

But the people required additional security. When, therefore, Virginia suggested an amendment of the Constitution, that "no freeman ought to be deprived of his life, liberty or property, *but by the law of the land*," Congress refused to sanction this restricted guaranty, but proposed, for the adoption of the States, an amendment, embracing a comprehensive and express interdict against all invasion of personal rights by the general government. That interdict, made part of the Constitution by the consent of the States, is in these words: "No person * * * shall be deprived of life, liberty or property without due process of law." So long as this provision remains unaltered, it is not easy to see how slavery can be constitutionally introduced any where or continued any where, by national legislation or in national territory.

This brief statement will suffice to show what was the policy and what was the anticipation of the founders of this Republic in respect to slavery. Their policy was one of repression, limitation, discouragement; they anticipated with confidence the auspicious result of universal freedom. Persistent adherence to their policy would doubtless have realized their anticipations.

I need not say to you that this policy has not been adhered to; nor need I trace the gradual process by which the Constitution has been wrested from its original purposes, and the government has been converted into an instrument for the maintenance and extension of slavery.

By cessions from original States, and by treaties with foreign governments, vast territories have been acquired, in all of which the original policy of the government required prohibition, but to none of which was prohibition actually applied, until resistance to the further increase of slavery and the slave power in the Republic, by the admission of Missouri as a slave State, led to the great contest between the extensionists and the restrictionists, which, in 1820, terminated in the adjustment generally known as the Missouri Compromise.

The terms of that compromise were these: That Missouri should be admitted with slavery; that slavery should be forever prohibited in the territory acquired

from France, north of 36 degrees 30 minutes, except Missouri; and that Congress should refrain, for the present at least, from legislative prohibition of slavery south of 36 degrees 30 minutes. This last term was only implied: it was not expressed.

This compromise, in substance and effect, was a compact between the slaveholding and non-slaveholding sections of the country, and was universally so regarded. It yielded to slavery absolutely the territory occupied by Missouri, and it left without the protection of prohibition all the residue of the territory, acquired under the French treaty, south of 36 degrees 30 minutes. As the original policy of the country, and the true principles of the Constitution, required the exclusion of slavery from the whole of this territory, it was to be expected that this adjustment would be received with much dissatisfaction in the free States. It was so received; but after a time, for the sake of peace, and in the full belief that its stipulations in respect to the territory north of 36 degrees 30 minutes, would be faithfully observed, the people generally acquiesced in it.

Concession invites aggression. Having succeeded in establishing slavery in Missouri, the slave power soon insisted upon the implied term of the compromise as a positive stipulation for the allowance of slavery south of 36 degrees 30 minutes; not only in the territory acquired from France, but in all other territory, whenever and however acquired, in which slavery might exist at the time of acquisition. This interpretation was tacitly admitted; and under the compromise, thus interpreted, Arkansas, Texas, and Florida came into the Union as slave States, and the small remainder of the territory south of 36 degrees 30 minutes, was allotted to slaveholding Indian tribes.

All the territory south of the Missouri line, whether acquired before or after the date of the compromise, was thus incorporated into slave States, or otherwise appropriated to slavery under the slaveholding interpretation of the Compact. Nothing was left to freedom or settlement by non-slaveholding freemen, except the territory north of the Missouri line. The freedom of this territory, it was thought, was firmly secured. Guaranteed by the Constitution, protected by original policy, guarded by a compact in the fulfillment of which so much has been yielded that it seemed impossible for slavery itself to ask more, the people of the free States never dreamed that it could be invaded or endangered. But this anticipation proved illusory. When the time arrived for the organization of government for this territory, with a view to open it for settlement and cultivation, the country was astounded by the demand of the slave power for the abrogation of the Missouri prohibition. At first the demand was heard with incredulous amazement, and then with unavailing indignation. It availed nothing to appeal to plighted faith; nothing to appeal to ancient policy or constitutional guarantees. The great dominant power of slavery demanded the sacrifice of freedom, and the oblation must be made. The Missouri prohibition was repealed; the compromise of 1820, performed to the letter, and far beyond the letter, by the free States, was broken up and destroyed by the slave States, to avoid the fulfillment of its only stipulation in favor of freedom.

The pretences under which this wrong was perpetrated, give additional keenness to the sense of injury.

It was boldly asserted that the prohibition was unconstitutional. The power to prohibit territorial slavery had been exercised by the first Congress under the Constitution, in the act providing for continuing in full effect the ordinance of 1787. The Constitution, in express terms, had conferred on Congress the power to make all needful rules and regulations concerning the Territory of the United States. This provision had been uniformly regarded as authorizing all necessary territorial legislation. Almost every Congress had exercised the power, and almost every

President had approved its exercise. The very persons who denied the power to prohibit slavery, asserted the power to establish territorial governments, and to define their departments and powers; and therefore, in denying the power of prohibition, were reduced to the necessity of denying that the greater includes the less.

Under these circumstances, after the prohibition had remained unquestioned for more than the third of a century, the denial of its constitutionality rather provoked indignation than excited doubt.

It was also insisted that the doctrine of popular sovereignty required the repeal of the prohibition. This was a mere abuse of terms. The true idea of popular sovereignty demands as a primary essential condition the recognition of inalienable personal rights. There can be no genuine popular sovereignty where a portion of the population is enslaved. The prohibition of slavery is therefore a necessary pre-requisite to a real sovereignty of the people. In the sense of the apologists for repeal, popular sovereignty signifies nothing but the right of a portion of the community to enslave the rest. It begins by the denial of the natural rights of man. It must end in the total subversion of the fundamental principles of American institutions. For a free and independent people, it would substitute a community of masters, dependants and slaves.

Such is the repulsive theory. In practical operation, it has not proved more attractive. As embodied in the Nebraska-Kansas bill, it has been fruitful of nothing but evil. It has not conferred a single substantial benefit upon the settlers of either territory. In no respect are they distinguished from the settlers of Minnesota, where slavery is prohibited, except by exposure to its evils. The sole, special effect of the Nebraska-Kansas act upon the territories organized under it is to open them to the introduction of slaves. In one of them it has led to desperate attempts to effect that object—to invasion, usurpation, violence, bloodshed—almost to civil war. Crimes like these are not the legitimate fruits of that doctrine of popular self-government, to the maintenance of which our fathers pledged their lives, their fortunes and their honor.

In all these things our own State has a deep and peculiar interest. Our own history furnishes the most complete vindication of the policy of slavery prohibition. We occupy, in part, the soil protected from the blight of slavery by the ordinance of 1787. For more than half a century the people of Ohio have been accustomed to regard that ordinance with mingled emotions of gratitude and pride. Conspicuous among its provisions, and in fit companionship with its sacred guaranties of religious freedom, of liberality towards immigrants, of the inviolability of private contracts, of the security of private property, and of universal education, stands the great interdict against slavery, acknowledging and impartially protecting the rights of man as man. The words to which we always recur when seeking in the ordinance the peculiar springs of our wonderful prosperity and progress, are those which embody this prohibition. Never did the noble pioneers who laid the foundations on which we now joyfully build, complain of that interdict as an abridgement of any rights, personal or political. On the contrary, they have ever spoken of it as the pillar of fire by night and of cloud by day, which guided and protected them in the wilderness. More than any other State, Ohio, as the first-born of the ordinance, and indebted to the ordinance for her proud position, as the third State of the Confederacy and first among the new States, is bound to cherish and defend its great and beneficent principles. In so doing, we shall be fellow-workers with its illustrious framers, in their own declared policy and purpose of "extending the fundamental principles of civil and religious liberty whereon these republics, their laws and constitutions, are erected, and fixing and establishing those principles as the basis of all laws, constitutions and governments which forever hereafter shall be formed in" American "territory."

No political duty appears to be more urgent than this.

The question of slavery, it is almost universally conceded, transcends in present importance all other political questions of a national character. The repeal of the Missouri Prohibition, abrogating the Missouri Compromise, opens anew the whole subject of the relations of slavery to the Union, to the States, and to the Territories. In determining the true line of duty, under these circumstances, it seems to be the part of wisdom to recur to the acts of the founders of the Republic, and to the principles of the Constitution. To me these guides seem to indicate a plain path. It leads back to the original national policy. That policy, I have already remarked, while it sanctioned no outside interference with slavery in slave States, contemplated no extension of it beyond limits. It regarded slavery in all its relations as subject, exclusively, to State legislation, and absolved the General Government from all responsibility for its existence or continuance. Our return to that policy should be signalized by the restoration of the guaranty of freedom to the territories which have been deprived of it by the retrograde legislation of Congress. Had the policy originally adopted been persistently pursued, the question of slavery would have ceased long since to vex our repose and disturb our councils. Should that policy be restored, may we not confidently expect the restoration also of those relations of harmony and good will which characterized the era of its adoption, and that, through repeal of all national legislation in support of slavery, and the constitutional action of State Governments, the ardent desire of our Fathers for the deliverance of the whole country from the great evil, may at length be fulfilled? No worthier objects than these, in my judgment, can engage the united efforts of freemen. Frank and cordial co-operation for these noble ends excludes all invidious and unjust discrimination on account of birth or creed, endangers no right of any individual or any State, but promises the happy result of a more perfect Union, established upon the solid foundations of exact justice, and equal rights.

I have thus submitted to you, gentlemen, my general views upon several topics of public interest. Other important matters will doubtless engage your attention. You need no further assurance of my disposition to co-operate faithfully with you in whatever may promote the common welfare. Let us proceed, then, to the discharge of our respective duties. With hearts full of gratitude to God for the liberty which we enjoy, and the prosperity which has attended us hitherto, let it be our constant endeavor, looking reverently to Him for guidance and direction, to ensure the transmission to those who are to come after us, of the noble heritage of free institutions which we have received from our fathers, not only unimpaired, but augmented and improved.

The oath of office, and the oath to support the Constitution of the United States and of the State of Ohio, was then administered to the Governor elect, by the Hon. Allen G. Thurman, Chief Justice of the Supreme Court of Ohio.

The Senators then returned to their chamber, and being seated therein,

On motion of Mr. Brazee,

The Senate adjourned.

Attest :

W. T. BASCOM, Clerk.

TUESDAY, JANUARY 15, 1856.

Prayer by Rev. Dr. Hoge.

Mr. Taylor of Geauga, called the Senate to order, and stated that the President being absent in consequence of domestic affliction, he had been desired to take the Chair, until a President *pro tem*, should be elected by the Senate.

Mr. Kelly moved that the Senate proceed to the election of a Chairman *pro tem*.

Mr. Rush nominated Mr. Taylor of Geauga.

The question then being on the election of Mr. Taylor, the yeas and nays were ordered and resulted—yeas 32, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brzee, Brown, Buckland, Bundy, Burnett, Cat-tell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Mungrave, Phelps, Rush, Spencer, Taylor of Mahoning, Warfel and Willford—32.

Those who voted in the negative were—none.

Mr. Musgrave presented the petition of J. N. Stonecker and David Hart, asking an amendment to the school law, which was referred to the Committee on Common Schools.

Mr. Brzee, from the Standing Committee on Currency, made the following report :

The Standing Committee on Currency, to whom was referred the bill "to repeal the act entitled 'an act to prohibit the circulation of foreign bank bills of less denomination than ten dollars,'" passed May 1, 1854, have had the same under consideration, and report the same back without amendment and recommend its passage.

Mr. Matthews moved to refer the bill to the Committee of the Whole, which was agreed to.

S. B. No. 6 ; To amend the act entitled "an act to establish a Code of Civil Procedure," passed March 11, 1853, was read the second time and referred to the Committee on the Judiciary.

Mr. Buckland, on notice, introduced

A bill to provide for the terms of the District Court in the second circuit, composed of the Fourth and Sixth Common Pleas Districts ; which was read the first time.

Mr. Marsh, from the Committee on Municipal Corporations, moved that the rules be suspended, in order that the committee might report ; which was agreed to.

Mr. Marsh then reported—

A bill to amend the 8th section of an act entitled "an act to amend the act entitled an act to provide for the organization of Cities and Incorporated Villages;" which was read the first time.

Mr. Marsh then offered the following resolution for adoption :

Resolved, That the proceedings and the accompanying resolutions of a mass meeting of the citizens of Preble and the adjoining counties in the State of Ohio, held in the town of New Paris, in the said county of Preble, on the 5th day of January, inst., in reference to the murder of Thomas W. Barber, (formerly and for many years a citizen of said county,) in the Territory of *Kansas*, on the 8th day of December, 1855, be referred to the Standing Committee on Federal Relations, with instructions to report by resolution or otherwise.

Mr. Brzee moved that the resolution be indefinitely postponed.

The question then being on the indefinite postponement of the resolution,

The yeas and nays were ordered and resulted—yeas 7, nays 27.

Those who voted in the affirmative were—

Messrs. Braze, Converse, Holmes, Lawrence, Matthews, Phelps and Willford—7.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—27.

Mr. Matthews then moved to amend by adding, "With power to send for persons and papers, and take testimony upon the alleged facts."

The question then being on the adoption of the amendment of Mr. Matthews,

The yeas and nays were ordered and resulted—yeas 6, nays 27.

Those who voted in the affirmative were—

Messrs. Converse, Holmes, Lawrence, Matthews, Phelps and Willford—6.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Mahoning and Warfel—27.

So the amendment was not adopted.

Mr. Lawrence moved the resolution be amended so as to refer so much of the said resolutions and proceedings as relates to the murder of Thomas W. Barber, &c.

The question then being on the amendment of Mr. Lawrence,

The yeas and nays were ordered and resulted—yeas 12, nays 22.

Those who voted in the affirmative were—

Messrs., Braze, Brown, Converse, Hardy, Holmes, Lawder, Lawrence, Lunt, Matthews, Phelps, Rush and Willford—12

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Buckland, Bundy, Burnett, Cattell, Gardner, Griswold, Hamilton, Hawley, Heaton, Hyer, Kelley, Kirk, Lewis, Marsh, Musgrave, Spencer, Taylor of Mahoning and Warfel—22.

So the amendment was not adopted.

The question then being on the adoption of the resolution as reported by Mr. Marsh,

The yeas and nays were ordered and resulted—yeas 27, nays 7.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Mahoning and Warfel—27.

Those who voted in the negative were—

Messrs. Braze, Converse, Holmes, Lawrence, Matthews, Phelps and Willford—7.

So the resolution was adopted.

Tuesday, January 15, 1856.

Mr. Kelley moved to suspend the rules for the purpose "of enabling the Select Committee on Joint Rules to make a report; which was agreed to. Whereupon,

Mr. Kelley, from said committee, reported Joint Rules for the government of the two Houses during the present session; and,

On motion of Mr. Kelly,

The printing of the report was dispensed with, and the report was committed to a committee of the whole Senate, and made the special order for this afternoon.

Mr. Buckland asked leave of absence for Mr. Canfield, which was agreed to.

Mr. Baird gave notice that, on to-morrow or some subsequent day, he would introduce a bill to fix and provide for holding the terms of the Courts of Common Pleas in the several counties of the first sub-division of the fifth judicial district of Ohio.

Mr. Hawley gave notice that, on to-morrow or some subsequent day of the session, he would introduce a bill to amend the 48th section of the act defining the jurisdiction and regulating the practice of Probate Courts, passed March 14th, 1853, so that its terms for criminal business shall be once in two months, instead of monthly.

Mr. Matthews gave notice that, on to-morrow or on some subsequent day of the session, he would introduce a bill to amend an act entitled "an act to amend an act entitled an act to incorporate the Canal Insurance Company of Cincinnati," passed March 10th, 1836, which amendatory act was passed January 19th, 1844.

Mr. Buckland moved to suspend the rules for the purpose of taking up S. B. No. 3; Ceding to the United States jurisdiction over certain lands.

Which was agreed to.

Whereupon, said bill was read a second time and referred to the Judiciary Committee.

Mr. Bundy moved that the Inaugural Address of the Governor be taken up, and referred to the Committee on Printing.

Which was agreed to.

Mr. Converse moved that the reports laid before the Senate on yesterday, by the President, be laid upon the table and ordered to be printed.

Which was agreed to.

The President then laid before the Senate the memorial of the publishers of the Ohio State Journal and Ohio Statesman, praying that an assistant clerk be appointed in each House to report the proceedings of each body, and furnish the same for publication in the Ohio State Journal and Ohio Statesman.

On motion,

The memorial was referred to the Committee on Printing.

Message from the House of Representatives.

Mr. President:

The following bills have been introduced into the House and read the first time:

H. B. No. 13; To fix and provide for the holding of the terms of the Court of Common Pleas in the several counties of the second judicial district.

H. B. No. 14; To amend the act entitled "an act to incorporate the State Bank of Ohio and other Banking Companies," passed Feb. 24, 1845.

H. B. No. 15 ; To repeal an act for the distribution of public documents in this State.

H. B. No. 16 ; To amend an act entitled "an act to prohibit the circulation of foreign bank bills of a less denomination than ten dollars.

Attest :

J. S. ROBINSON, Clerk.

The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Kelly, it was

Resolved, That the Senate go into committee of the whole on Joint Rules for the government of the two Houses—Mr. Converse in the chair.

After some time spent therein,

The committee rose, and the Chairman reported back Joint Rules as reported by the Joint Select Committee, without amendment.

The Joint Rules, as amended, were then agreed to.

(*See Appendix.*)

On motion of Mr. Bundy,

The Senate resolved itself Committee of the Whole, on the orders of the day—Mr. Converse in the chair.

After some time spent therein, the committee rose, and the Chairman reported back

S. B. No. 1 ; without amendment.

The question then being, shall the bill be engrossed,

It was agreed to, and ordered to be read a third time to-morrow.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill, in which the concurrence of the Senate is requested.

H. B. No. 2 ; To fix and provide for holding the terms of the Court of Common Pleas in the several counties composing the second sub-division of the fifth judicial district of Ohio.

Attest :

JAMES S. ROBINSON, Clerk.

S. B. No. 2, was read the second time, and referred to the Committee on Municipal Corporations.

S. B. No. 5, was read the second time, and referred to Mr. Baid, as a committee of one.

S. B's. Nos. 4 and 9, were read the second time, and referred to the Committee on the Judiciary.

S. B. No. 8, was read the second time, and referred to the Committee on Salaries and Fees of Public Officers.

S. B. No. 7, was read the second time, and referred to Mr. Buckland, as a committee of one.

Wednesday, January 16, 1856.

Mr. Marsh moved to suspend the rules for the purpose of enabling the Committee on Corporations to make a report.

Which was agreed to.

Whereupon, Mr. Marsh, from said committee, reported back

S. B. No. 2, without amendment, and the bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Hamilton offered for adoption the following resolution, which was agreed to;

Resolved, That the Sergeant-at-Arms be, and he is hereby, instructed to procure two copies of Chase's Statutes and place the same within the Hall of the Senate for the use of members during the session.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, JANUARY 16, 1856.

Prayer by Rev. Dr. Hoge.

Mr. Spencer, from the select committee to whom was referred the message of the Governor for the purpose of apportioning and referring the same to appropriate committees, made the following report :

The select committee to whom was referred the message of the Governor for the purpose of apportioning and referring the several suggestions of the same to the appropriate committees, beg leave to report, that they recommend the same be apportioned as follows :

So much of said message as relates to the finances of the State, the public debt and taxation, to the Committee on Finance.

So much as relates to banks, to the Committee on Currency.

So much as relates to turnpikes, railroads and canals, in which the State owns stock, to the Committee on Railroads and Turnpikes.

So much as relates to the formation of an executive council, to the Committee on Judiciary.

So much as recommends the printing of a specified number of the reports made to the Governor by the several departments of the State government, in advance of the meeting of the Legislature, to the Committee on Public Printing.

So much as relates to the collection of the statistics of the agricultural wealth of the State, to the Committee on Agriculture.

So much as relates to education, to the Committee on Common Schools and School Lands.

So much as relates to the Public Benevolent Institutions, to the Committee on Public Benevolent Institutions.

So much as relates to the State House, to the Committee on State Buildings.

So much as relates to the Penitentiary, to the Committee on the Penitentiary.

So much as relates to the establishing of a House of Refuge, to the Committee on the Penitentiary.

So much as relates to the militia, to the Committee on the Militia.

Respectfully submitted.

E. A. SPENCER,
WM. LAWRENCE,
JOHN T. BRAZER.

On motion of Mr. Lawrence,

The report of the committee was accepted, and the committee discharged.

Mr. Baird, from the select committee, to whom was committed S. B. No. 5, reported the same back with the following amendments :

At the end of section 1, add the following :

"Except to testify to the validity of books of accounts of not more than 18 months standing; provided that in all cases where the deposition of a party is intended to be taken to be used in evidence, reasonable notice of such intention shall be given to the adverse party, his agent or attorney."

Strike out section 2, and insert—

"Sec. 2. This act shall take effect and be in force from and after its passage, and the provisions thereof shall be applicable to all civil actions or proceedings now pending and undecided."

"Sec. 3. That the original section, No. 313, be, and the same is hereby repealed."

On motion of Mr. Baird,

The several amendments reported were agreed to, and the report adopted, and the bill referred to the Judiciary Committee.

H. B. No. 2; To fix and provide for holding the terms of the court of Common Pleas in the several counties composing the second sub-division of the fifth judicial district of Ohio, was read the second time, and ordered to be engrossed, and read a third time to-morrow.

S. B. No. 1; To repeal the act entitled "An act to prohibit the circulation of foreign bank bills of less denomination than ten dollars," passed May 1, 1854, was read the third time.

Mr. Taylor, of Mahoning, moved to lay the bill on the table.

The question then being on laying on the table,

The yeas and nays were demanded, and ordered, and resulted—yeas 21, nays 12.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazer, Buckland, Cattell, Converse, Gardner, Griswold, Hardy, Kelley, Kirk, Lawder, Lawrence, Lunt, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—21.

Those who voted in the negative, were—

Messrs. Baird, Brown, Bundy, Burnett, Hamilton, Hawley, Heaton, Holmes, Hyer, Lewis, Marsh and Rush—12.

So the bill was laid on the table.

S. B. No. 2 ; To attach a part of Ballville township, in Sandusky county, to the township of Sandusky, in said county, was read the third time and laid upon the table.

Mr. Brasee, from the Committee on Currency, moved to suspend the rules to enable the Committee on Currency, to report.

Which was agreed to.

Whereupon Mr. Brasee, from said committee, reported a bill to fix the rate of interest, and prevent usury.

Which was read the first time.

Mr. Taylor, of Mahoning, asked, and obtained leave to introduce " A bill to dispense with proof in certain cases."

Which was read the first time.

Message from the House.

Mr. President :

The House has passed the following joint resolution, to which the concurrence of the Senate is requested :

Resolved by the Senate and House of Representatives, That the free use of the State Library be tendered to the resident clergy of the city of Columbus for one year.

Attest :

JAMES S. ROBINSON, Clerk.

On motion of Mr. Burnett,

The joint resolution of the House was then adopted.

Mr. Rush gave notice, that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend the third section of the act supplementary to an act entitled " An act defining the jurisdiction and regulating the practice of Probate Courts," passed March 14th, 1853, and to amend said act passed May 1st, 1854.

On motion of Mr. Lawder, it was

Resolved, That the Committee on Finance be instructed to inquire into the propriety of exempting parsonages, held by trustees for the benefit of religious societies, from taxation.

On motion of Mr. Gardner, it was

Resolved, That the Standing Committee on Salaries and Fees of Public Officers, be instructed to inquire into the expediency of so amending the 31st section of the act prescribing the duties of County Treasurers, so as to reduce the per cent. on all moneys coming into his hands, other than collected on duplicate.

On motion of Mr. Burnett, it was

Resolved, That the Standing Committee on Public Works and Public Lands be requested to inquire into the expediency of so altering the law in regard to the appointment of canal collectors, &c., as to give the appointing of such officers to the Board of Public Works, and that said committee be instructed to report by bill or otherwise.

On motion of Mr. Taylor, of Mahoning, it was

Resolved, That the Committee on Common Schools and School Lands be instructed to inquire what amendments, if any, of the school law are necessary to equalize

taxation for school purposes, and the benefits of education in districts composed of parts of two or more townships; and whether a certificate of qualifications of a teacher, issued by the board of examiners of the county where the school house is situated, should not be deemed sufficient, where a part of the district may be in an adjoining county, with leave to report by bill or otherwise.

On motion of Mr. Hawley, it was

Resolved, That the Standing Committee on the Judiciary be instructed to inquire into the expediency of giving to Justices of the Peace limited chancery jurisdiction; and report by bill or otherwise, at as early a day of the session as practicable.

Mr. Hawley, on leave, introduced a bill to amend the act entitled "An act defining the jurisdiction, and regulating the practice of Probate Courts" passed March 14, 1853.

Which was read the first time.

Mr. Hamilton, from the Committee on Public Printing, moved to suspend the rules to enable the Committee on Public Printing to report.

Which was agreed to.

Whereupon, Mr. Hamilton, from said committee, then submitted a report, which was read at the Clerk's desk, and committed to the Committee of the Whole, and made the order for this day.

On motion of Mr. Bundy,

The Senate resolved itself into Committee of the Whole on the orders of the day, Mr. Brand in the chair.

After some time spent therein,

The committee rose, and the Chairman reported progress, and asked leave to sit again.

Which was agreed to.

On motion of Mr. Hamilton,

The Senate took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Holmes,

The Senate resolved itself into Committee of the Whole on the orders of the day, Mr. Brand in the Chair.

After some time spent therein, the committee rose, and the Chairman reported back the Report of the Standing Committee on Public Printing, relative to the printing of the Governor's Message and other public documents, with one amendment, to wit: "That the legal rates of postage be printed on the title page of every Document.

The question then being on the adoption of the report as amended,

Mr. Kelly moved that the report be re-committed to the Committee on Public Printing,

Which motion was agreed to.

On motion of Mr. Marsh, it was

Resolved, That the Standing Committee on the Judiciary be instructed to inquire

Thursday, January 17, 1856.

into the expediency of authorizing the Secretary of State to purchase—copies of "Warren's Criminal Law and Forms," for the use of the Justices of the Peace of this State, and report by bill or otherwise.

On motion of Mr. Willford, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of so amending the law regulating the fees of witnesses before the District court, court of Common Pleas, and Probate court, as to allow each one dollar per day, for each day he or she may be in attendance before either of the courts aforesaid.

On motion of Mr. Taylor of Mahoning, it was

Resolved, That the Committee on Public Printing be instructed to report a bill prescribing the number of copies to be printed of Governor's Messages and other public documents communicated to the Legislature, at the commencement of each session.

On motion of Mr. Mathews,

The Senate adjourned.

Attest :

W. T. BASCOM, Clerk.

THURSDAY, JANUARY 17, 1856.

Prayer by Rev. Dr. Hoge.

Mr. Griswold presented the petition of Dudley Baldwin and 338 other citizens, of the city of Cleveland, praying sundry amendments to the general law for the organization of cities and villages.

Which petition was read at the Clerks desk.

Referred to the Committee on Municipal Corporations.

Mr. Converse presented the memorial of the Chamber of Commerce of the city of Cincinnati, on the subject of Taxation and Banking, and asked that it be referred to the Committee on Finance.

Which was agreed to.

Mr. Lunt presented the petition of William Turner and sundry other persons, asking relief in certain matters named.

Which petition was read at the Clerk's desk.

Referred to the Committee on Public Lands

S. B. No. 11; Was read a second time, and

On motion of Mr. Buckland,

Was referred to Mr. Kirk, as a special committee of one.

S. B. No. 12; Was read the second time.

Referred to the Committee on the Judiciary.

S. B. No. 10; To provide for the sale of Rail Roads and other corporations, was read the second time.

Referred to the Judiciary Committee.

H. B. No. 2; To fix and provide for holding the terms of the court of Common Pleas, in the several counties composing the second sub-division of the fifth Judicial District of Ohio, was read the third time.

The question then being on its passage, the yeas and nays were ordered, and resulted, yeas, 32, nays, none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazer, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, and Taylor of Mahoning—32.

Those who voted in the negative were—none.

So the bill, having received a constitutional majority, was passed.

Mr. Mathews moved to suspend the rules, to enable him to present the petition of sundry citizens of Cincinnati.

Which was agreed to; whereupon,

Mr. Mathews presented the petition of John J. Gaines and 433 other inhabitants and citizens of the city of Cincinnati, praying for an amendment of the act for the better regulation of Common Schools.

Referred to the Committee on Common Schools.

Mr. Rush, on notice, introduced

A bill to amend Sect. 67 of an act entitled "an act supplementary to the act defining the jurisdiction, and regulating the practice of Probate Courts, passed May 1, 1854.

Which was read the first time.

Message from the House of Representatives

Mr. President :

The following bills have been introduced into the House, and severally read the first time.

H. B. No. 17; To repeal the act entitled "an act to provide against the sale of intoxicating liquors in the State of Ohio," passed May 1, 1854.

H. B. No. 18; To amend section 2 of an act to amend the several acts now in force, in relation to land forfeited to the State for non-payment of taxes," passed March 12, 1843.

H. B. No. 19; To amend the act entitled "an act prescribing the duties of Supervisors, and relating to roads and highways," passed Feb. 15, 1853.

Attest:

J. S. ROBINSON, Clerk.

Mr. Rush gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to amend the 490th and 491st sections of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

On motion of Mr. Gardner, it was

Resolved, That the Standing Committee on Salaries and Fees of Public Officers, be instructed to inquire into the expediency of so amending the law regulating the fees of county Auditors, as to define more explicitly its meaning in certain cases.

The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Warfel, it was

Resolved, That the Standing Committee on Agriculture be instructed to inquire into the expediency of repealing so much of the act for the encouragement of agriculture, passed February 28, 1846, as permits district and county societies to draw money out of county treasuries; and to report by bill, or otherwise.

Mr. Buckland gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill supplementary to the act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio.

Mr. Taylor of Mahoning, asked and obtained leave to introduce a bill to repeal an act therein named.

Which was agreed to.

Whereupon Mr. Taylor introduced a bill to repeal an act therein named.

Read the first time.

Mr. Marsh moved to suspend the rules for the purpose of enabling the Committee on Municipal Corporations to report.

Which was agreed to.

Whereupon, Mr. Marsh, from said committee, reported a bill supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the acts amendatory thereof, and supplementary thereto.

Read the first time.

On motion of Mr. Marsh,

The rules were dispensed with, and the following bills were taken up:

S. B. No. 13; To fix the rate of interest, and to prevent usury.

Read the second time and referred to the Committee on Currency.

S. B. No. 14; To amend the act entitled "an act defining the jurisdiction and regulating the practice of Probate Courts," passed March 14, 1853.

Read the second time.

S. B. No. 15; To dispense with proof in certain cases.

Read the second time and referred to the Committee on the Judiciary.

On motion of Mr. Marsh,

The Senate then resolved itself into Committee of the Whole, on the orders of the day—Mr. Kelly in the chair.

After some time spent therein, the committee rose, and the chairman reported back

S. B. No. 14; With two amendments, as follows:

1st Amendment—From the first section and sixth line, strike out the words "April" and "August."

2d Amendment—From the first section and seventh line, strike out the word "six" and insert in lieu thereof, the word "four."

The question then being on the adoption of the amendments, they were agreed to, and the bill, as amended, was then referred to the Committee on the Judiciary.

Mr. Brown gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to provide for the docketing of civil causes in the Court of Common Pleas, District and Supreme Courts.

Also, a bill to provide for the payment of jurors in civil cases.

On motion of Mr. Bundy, it was

Resolved, by the Senate and House of Representatives, That the Board of Public Works be hereby instructed to examine into and report upon the condition and probable cost of repairing, or constructing the Ohio Canal at its southern terminus, so that canal boats may pass to and from the Ohio river upon said canal.

On motion of Mr. Kelley it was

Resolved, That the Committee on Municipal Corporations be instructed to inquire and report to the Senate at as early a day as practicable, how far such corporations may, without material detriment to their interests, be restricted in the per centum, or gross amount of taxes which they are authorized to levy for corporation purposes.

On motion of Mr. Rush,

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

FRIDAY, JANUARY 18, 1856.

Prayer by the Rev. Dr. Hoge.

Mr. Griswold, from the Judiciary Committee, to whom was referred

S. B. No. 12; To amend the 8th section of an act entitled "an act to amend the act entitled an act to provide for the organization of cities and incorporated villages,"

Reported the same back with two amendments, to wit:

1st. Strike out the word "or" in the 4th line and insert the words "or easements connected with the use of water," between the words "rights" and "which" in the same line; strike out the word "or" in the second place in which it occurs in the 5th line and insert "or easement," between the words "right" and "so" in the 6th line; and strike out the word "and" in the 9th line, and insert the words "or easements" between the words "right" and "for" in the same line.

2d. Add two other sections in these words:

Sec. 2. That the original section to which this is an amendment, be, and the same is hereby repealed.

Sec. 3. That this act shall take effect and be in force from and after its passage.

On motion of Mr. Griswold,

The bill with the pending amendments, was referred to the Committee of the Whole.

Also, a majority of the same committee reported back

S. B. No. 4; To amend the law concerning bills of exchange and promissory notes, with a recommendation that the first and second sections be stricken out, and that the bill thus amended be passed.

The bill with the pending amendments, was referred to the Committee of the Whole.

Also, the same committee reported back

S. B. No. 6 ; To amend the act entitled "An Act to establish a code of Civil Procedure," passed March 11, 1853 ; with the following amendment, to wit :

In the first line of the second section, between the words, "that" and "section" insert the word "original," and between the words "sections" and "one" insert "one hundred and one and sections," and in the second line of the same section, strike out the word "is," and insert the word "are."

The bill, with pending amendments, was referred to the Committee of the Whole.

Also, a majority of the same committee reported back the resolution of Mr. Matthews, instructing said committee to "inquire into the expediency of so amending the code of civil procedure, as to prevent parties to suits from testifying in their own behalf, unless called by the adverse party," and say that in their opinion it is inexpedient to so amend said code of civil procedure ; and asked to be discharged from further consideration of the subject, and recommend its indefinite postponement.

The question then being on the indefinite postponement of the resolution,

On motion of Mr. Matthews,

The yeas and nays were ordered and resulted, yeas 29, nays 5.

Those who voted in affirmative were—

Messrs. Baird, Beatty, Brand, Brazeo, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Lunt, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—29.

Those who voted in the negative were—

Messrs. Brown, Kelley, Matthews, Musgrave and Rush—5.

So the subject was indefinitely postponed.

Mr. Spencer, from the Judiciary Committee, to which was referred the resolution instructing said committee to inquire into the expediency of giving to Justices of the Peace limited chancery jurisdiction, reported the same back and recommended its indefinite postponement.

Which was agreed to.

Mr. Matthews, from the Judiciary Committee, to whom was referred S. B. No. 5, as amended, reported the same back with one amendment, as follows :

Strike out section 1, after the enacting clause, and insert as follows :

That section three hundred and thirteen of an act entitled "An Act to establish a code of civil procedure," passed March 11, 1853, be, and the same is hereby so amended as to read as follows : (313,) Sect. COOXIII. No party shall be allowed to testify by virtue of the provisions of section three hundred and ten, where the adverse party is the executor or administrator of a deceased person, when the facts to be proved transpired before the death of such deceased person, except to testify to the validity of book accounts, of not more than eighteen months standing : nor shall he testify, unless he give reasonable notice of his intention so to do, to the adverse party, his agent or attorney ; provided that the deposition of a party shall not be used in his own behalf, unless the legal notice required in other cases where depositions are to be taken, shall also specify that the deposition to be taken is that of the party.

And recommended its engrossment.

On motion of Mr. Matthews,

The pending amendments were ordered to be printed.

Mr. Buckland, from the Committee on Corporations other than Municipal, to whom was referred the resolution of Mr. Matthews, requesting the Attorney-General to communicate to the Senate his opinion in writing upon certain questions set forth in the resolution, reported the same back, and recommended its passage.

Pending the question of the adoption of the resolution,

On motion of Mr. Kelley,

The Senate took a recess until 4 o'clock this afternoon.

FOUR O'CLOCK, P. M.

The question then being on the adoption of the resolution,

Mr. Taylor of Mahoning moved to lay it on the table.

And the yeas and nays were demanded and ordered, and resulted—yeas 18, nays 15, as follows.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Bundy, Burnett, Canfield, Cattell, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lewis, Taylor of Geauga, Taylor of Mahoning and Warfel—18.

Those who voted in the negative were—

Messrs. Baird, Buckland, Converse, Gardner, Griswold, Hamilton, Holmes, Lawder, Lawrence, Lunt, Marsh, Matthews, Musgrave, Rush and Spencer—15.

So the resolution was laid upon the table.

Mr. Kirk, from the special committee to whom was referred S. B. No. 11; To fix and provide for the terms of the District Court in the second circuit composed of the fourth and sixth Common Pleas districts of Ohio, reported the same back with sundry amendments, which was read at the Clerk's desk, and agreed to, and the bill ordered to be engrossed.

Mr. Buckland from the special committee to whom was referred S. B. N. 7, To fix and provide for holding the terms of the Court of Common Pleas, in the fourth Common Pleas district of Ohio, reported the same back with sundry amendments, which were read at the clerk's desk, and agreed to, and the bill ordered to be engrossed.

S. B's Nos. 16, 17 and 18 were read the second time, and referred to Committee of the Whole.

Mr. Matthews offered the following for adoption :

Resolved, That when the Senate adjourns to-day, it will adjourn until Monday morning at the usual hour.

The question being on the adoption of the resolution, it was lost.

Message from the House.

Mr. President :

The House has passed the following bill in which the concurrence of the Senate is requested.

H. B. No. 8; A bill to amend the act entitled an act to fix permanently the times for holding the Courts of Common Pleas in the 7th judicial district, passed Jan. 31, A. D. 1854.

• Friday, January 18, 1856.

The Speaker of the House has signed the following bill.

H. B. No. 2 ; To fix and provide for holding the terms of the Court of Common Pleas in the several counties composing the second sub-division of the fifth judicial district of Ohio.

Attest :

JAMES S. ROBINSON, Clerk.

Message from the House.

Mr. President :

The Speaker of the House has signed the following enrolled resolution, to which the signature of the President of the Senate is required.

Resolution relative to tendering the free use of the State Library to the resident clergy of the city of Columbus.

Attest :

JAMES S. ROBINSON, Clerk.

Message from the House.

Mr. President:

The following bills have been introduced into the House and severally read the first time.

H. B. No. 23 ; Supplementary to the act entitled "An act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

H. B. No. 24 ; To fix and provide for the terms of the District Court in the fifth common Pleas District in the third circuit of Ohio.

H. B. No. 25 ; To prescribe the times of holding the Court of Common Pleas in the third sub-division of the fifth judicial district.

Attest :

JAMES S. ROBINSON, Clerk.

Message from the House.

Mr. President:

The following bills have been introduced into the House and read the first time.

H. B. No. 20 ; To amend an act entitled "an act providing for the punishment of crimes," passed March 7, 1835.

H. B. No. 21 ; To provide for holding District Courts in the third judicial district.

H. B. No. 22 ; To provide for holding the terms of the Court of Common Pleas in the third judicial district.

Attest :

JAMES S. ROBINSON, Clerk.

Message from the House.

Mr. President :

The House has indefinitely postponed the following Joint Resolution of the Senate :

Resolved by the Senate and House of Representatives, That the Board of Public Works be hereby instructed to examine into, and report upon the condition and probable cost of repairing or constructing the Ohio Canal at its southern terminus, so that canal boats may pass to and from the Ohio River upon said canal.

Attest :

JAMES S. ROBINSON, Clerk.

Mr. Brand gave notice that he would, on to-morrow or some subsequent day of the session, introduce "A bill to declare Foreign Life Insurance Companies not included in the 'Act to regulate the Agencies of Insurance Companies not incorporated by the State of Ohio.'"

Mr. Heaton gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill extending the jurisdiction, and more clearly defining the authority of Justices of the Peace, in actions of Replevin.

On motion of Mr. Watel, it was

Resolved, That the Sergeant-at-Arms be directed to procure thirty-five copies of the last Militia Law for the use of the members of the Senate.

On motion of Mr. Canfield, it was

Resolved, That the Committee on Militia be instructed to inquire whether any further legislation be necessary to provide for the collecting and safe keeping of the public arms, and that said committee report by bill or otherwise.

The following bills were introduced on notice, and severally read the first time :
A Bill supplementary to an act to provide for the creation and regulation of Incorporated Companies in the State of Ohio, passed May 1, 1832. To create and regulate companies as lessees of Railroads, Plankroads and Turnpikes.

A Bill to fix and provide for holding the terms of the courts of Common Pleas in the several counties of the first sub-division of the Fifth Judicial District of Ohio.

A Bill to amend sections 490 and 491 of an act entitled "An act to establish a Code of Civil Procedure," passed March 11, 1853.

A Bill to amend an act entitled "An act to provide for the proof, acknowledgment, and recording of Deeds and other instruments of writing," passed February 22, 1831.

House Bill No. 8 ; To amend the act entitled "An act to fix permanently the times for holding the courts of Common Pleas in the Seventh Judicial District," passed January 31, 1854,

Was read the first time.

Mr. Mathews moved that the rules be suspended, to enable him to present a petition ; which was agreed to.

Whereupon, Mr. Mathews presented the petition of Mr. E. S. Brooks, asking the allowance of his claim for rent of his building now used as an armory.

On motion of Mr. Mathews,

Said petition was referred to the Committee on Claims.

The President laid before the Senate a communication from the Speaker of the House, inviting the Senate to be present in the Hall of the House on the 22d inst., at 3 o'clock, P. M., to witness an exhibition to be given by the Pupils of the Deaf and Dumb Asylum.

On motion of Mr. Brown,

The Senate accepted the invitation to be present on that occasion.

The President also laid before the Senate a communication from the Governor, with accompanying resolutions, transmitted to him by the Governor of the State of Vermont, and relating to late events in Kansas, and the subject of slavery.

On motion of Mr. Taylor of Mahoning,

The communication and accompanying resolutions were ordered to be printed.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

SATURDAY, JANUARY 19, 1856.

Prayer by the Rev. Dr. Hoge.

Mr. Canfield presented a petition from the colored citizens of Ohio, assembled in general convention, praying the General Assembly of Ohio to take the necessary constitutional steps to strike the word "white" from the first section of the fifth article of the Constitution of Ohio, and the passage of sundry laws abrogating the distinction made between men on account of color, and according equal political privileges to all.

The petition was read at the Clerk's desk, when

Mr. Canfield moved that it be laid on the table and ordered to be printed.

A division of the question being called for, it was agreed to.

The question then being on laying on the table, it was agreed to.

The question then turning upon printing,

The yeas and nays were demanded and ordered, and resulted—yeas 12, nays 17, as follows :

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brown, Buckland, Canfield, Cattell, Gardner, Griswold, Hyer, Taylor of Geauga, Taylor of Mahoning and Warfel—12.

Those who voted in the negative, were—

Messrs. Brand, Braze, Bundy, Burnett, Hamilton, Hawley, Heaton, Holmes, Lawder, Lawrence, Lunt, Musgrave, Phelps, Rush, Spencer and Willford—16.

So the question was lost.

Mr. Taylor of Mahoning moved to reconsider the vote to lay the memorial on the table, which was agreed to.

Mr. Canfield then moved to refer the memorial to a select committee of three ; which was agreed to.

The Chair appointed Messrs. Canfield, Brown and Taylor of Geauga, said committee.

Mr. Braze, from the Committee on Currency, reported back

S. B. No. 13 ; To fix the rate of Interest, and to prevent Usury ;

With two amendments, which were read at the Clerk's desk and ordered to be printed, and made the order of the day for Tuesday next.

H. B. No. 8, was read the second time, and referred to Mr. Hawley, as a committee of one.

S. B. No. 7 ; To fix and provide for holding the terms of the Courts of Common Pleas in the Fourth Common Pleas District of Ohio,

Was read the third time.

And the question then being on its passage, the yeas and nays were ordered, and were—yeas 26, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hawley, Heaton, Hyer, Kelley, Lawder, Lunt, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, Willford—26.

Those who voted in the negative were—none.

Saturday, January 19, 1856.

So the bill having received a constitutional majority was, passed.

Ordered that the title be as aforesaid.

Messrs. Hyer, Rush, Converse and Mathews, asked and obtained leave of absence for a few days.

S. B. No. 11; To fix and provide for the terms of the District Court in the second circuit, composed of the fourth and sixth Common Pleas Districts of Ohio,

Was read the third time.

And the question then being on its passage, the yeas and nays were ordered, and were—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Burnett, Canfield, Cattell, Griswold, Hamilton, Hawley, Heaton, Kelley, Lawder, Lawrence, Lunt, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—23.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Canfield gave notice that on Tuesday next, or on some subsequent day of the session, he would introduce a bill to authorize the judges of each district to fix the times of holding the Courts therein.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 6; Supplementary to an act defining the powers and duties of Justices of the Peace and Constables in criminal cases.

Attest:

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President:

The House has concurred in the Senate "Joint Standing Rules for the government of the two Houses during the present session of the General Assembly."

Attest:

J. S. ROBINSON, Clerk.

The Joint Rules, as concurred in by the House, were as follows:

(See Appendix.)

The President then laid before the Senate a communication from the Board of Public Works, in relation to the condition of the National Road, which was read at the Clerk's desk, and referred to the Committee on Public Works.

Mr. Baird gave notice that on Monday next, or some subsequent day, he would introduce a bill to authorize local Boards of School Directors to enter upon, and take possession of, and appropriate such lands as may be necessary for sites of school houses in their respective districts; to be regulated by the provisions of sections 27, 28 and 29, of the acts for the organization of cities and incorporated villages, passed May 3, 1852.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

MONDAY, JANUARY 21, 1856.

Prayer by Rev. J. W. White.

Mr. Baird gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to repeal the second section of an act entitled "an act to provide for the preservation and safe keeping of the Journals of the General Assembly," passed January 1, 1839.

Mr. Hamilton, from the Committee on Public Printing, to which was referred the report of the committee in relation to printing the Governor's Message, and other documents, reported the same back with the following amendments, and recommended its passage:

1st amendment—In the 3d item, 3d line, strike out "200," and insert 500.

2d—In the 8th item, 5th line, strike out "500," and insert 1,000.

3d—Add at the end of the 13th item, these words:

The number of each of the foregoing documents ordered for either House, includes the usual number, that is, two hundred and forty of each document.

These several amendments so reported, were then agreed to, and, upon motion, the report so amended was laid upon the table.

Mr. Taylor of Mahoning, introduced the following resolution, which was agreed to :

Resolved, That no record be made in the Journals of the Senate, of messages received from the House of Representatives, informing the Senate of the introduction of bills in the House.

Mr. Bundy gave notice that on to-morrow, or some subsequent day of the session, he would propose sundry amendments to the rules for the government of the Senate.

Mr. Hamilton, on leave, introduced

S. B. No. 23 ; Entitled "a bill for the protection of sureties,"

Which was read the first time.

Mr. Lawrence gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to provide for the sale of the Public Works.

Mr. Bundy gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to regulate the fees of County Auditors, County Treasurers, County Commissioners, Township Clerks, Township Trustees, and the fees of officers in civil and criminal cases.

The Senate then resolved itself into a Committee of the Whole, Mr. Lawrence in the chair.

After some time spent therein,

The committee arose, and the Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Lawrence, from the Committee of the Whole, reported back to the Senate, the following bills :

S. B. No. 16 ; To amend section 67 of an act entitled "an act supplementary to the act defining the jurisdiction, and regulating the practice of Probate Courts," passed May 1, 1854.

Without amendment.

The bill was then ordered to be engrossed, and read a third time to-morrow; also,

S. B. No. 18; To repeal an act therein named, with one amendment, to wit:

Sec. 2. This act to take effect and be in force from and after its passage.

On motion of Mr. Kelly,

The bill, with the pending amendment, was recommitted to the Committee on Finance; also,

S. B. No. 4; To amend the law concerning bills of exchange and promissory notes,

With amendments to strike out the 1st, 2d and 3d sections of said bill.

On motion of Mr. Kelly,

The bill, with the pending amendments, were referred to the Committee on Currency; also,

S. B. No. 6; To amend the act entitled "an act to establish the code of civil procedure," passed March 11, 1853,

With a recommendation that the amendments of the Judiciary Committee to said bill be agreed to.

The Senate then agreed to the said amendments, and ordered that the bill, as amended, be engrossed and read a third time to-morrow; also,

S. B. No. 17; Supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3d, 1852, and the acts amendatory thereof, and supplementary thereto,

With two amendments.

In second line of section 1, after the words "incorporated villages," insert "containing less than one thousand inhabitants."

At the end of section 1, add, "provided that there shall be but one election for this purpose in any one year."

On motion of Mr. Taylor of Mahoning,

The bill, with pending amendments, was referred to a special committee—Messrs. Taylor of Mahoning, Lawrence and Musgrave; also,

S. B. No. 12; To amend the 8th section of an act entitled "an act to amend the act entitled an act to provide for the organization of cities and incorporated villages,

With a recommendation that the amendments of the Judiciary Committee to said bill be agreed to.

On motion,

Said amendments were agreed to, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Phelps offered the following resolution, which was adopted:

Resolved, That the Judiciary Committee be instructed to inquire what further legislation, if any, is necessary to protect the community against frauds in the sale of tickets in foreign "Gift Enterprises," so called; and also, whether the laws now in force are sufficient to suppress such enterprises as are set on foot within this State, with leave to report by bill or otherwise.

Mr. Beatty offered for adoption the following preamble and resolution :

WHEREAS, the General Assembly, on the 30th day of April, 1852, passed a resolution, which is in the words following : "*Resolved by the General Assembly of the State of Ohio*, That the Board of Public Works be authorized to construct a continuous berm bank along the eastern side of the Ohio Canal, near the town of Massillon, Stark county, and one or two culverts to draw the water, and also to confine the waters of the said canal within its channel: Provided, that if the said Board shall be of the opinion that said ponds can be filled with less expense than will attend the construction of said berm banks and culverts, in that case they may expend an amount not exceeding the estimated cost of constructing said berm bank and culverts in filling up said ponds." And,

WHEREAS, it has been made known to this General Assembly, by said Board, that the berm bank and culverts provided for in said resolution will not accomplish the object intended by the passage of the same, that is to say, the draining of certain ponds caused by said canal, and that said ponds cannot be filled with less expense than will attend the construction of said berm bank and culverts. To the end that justice may be done in the premises, and the nuisance caused by said ponds removed,

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be authorized and required, within a reasonable time; first, to fill up so much of said ponds as were, at the time of the passage of the resolution aforesaid, on the east side of the highway leading from Massillon to Bethlehem, or, in case the whole or any part of said ponds shall have been filled by others, said Board shall pay a reasonable compensation therefor; second, to fill said ponds which are on the west side of the highway, or so much thereof as can be done for a sum which, including the expenditures for filling on the east side of said highway, or payment thereof as aforesaid, shall not exceed five thousand dollars.

On motion of Mr. Griswold,

The preamble and resolutions were referred to the Committee on Public Works.

Mr. Phelps offered the following resolution, which was adopted :

Resolved, That the Committee on Finance be instructed to inquire whether there is now any provision by law for the redemption of outstanding orders issued under the act to encourage the killing of wolves, passed April 26, 1852, and, if not, that they make the necessary provision for the payment of the same.

On motion of Mr. Baird, the Senate took up

S. B. No. 5; To amend an act entitled "an act to establish a code of civil procedure," passed March 11, 1853, with the pending amendments.

Mr. Baird moved to strike out all between the words "standing," in the 7th line, and "provided," in the 9th line of the amendment, as proposed by the Judiciary Committee.

Which motion prevailed.

The bill, as amended, was then ordered to be engrossed and read a third time to-morrow.

Mr. Brand, on notice, introduced the following :

S. B. No. 24; In relation to foreign life insurance companies.

Which was read the first time.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

TUESDAY, JANUARY 22, 1856.

Prayer by the Rev. J. W. White.

Mr. Buckland presented the petition of O. E. Kellog and 22 other citizens, praying for a law authorizing non-residents to pay taxes at Columbus.

Read at the Clerk's desk, and referred to the Committee on Finance.

Mr. Taylor of Geauga, presented the petition of H. N. Smalley, and 54 other citizens of Ashtabula county, praying sundry amendments to the present school law.

Read at the Clerk's desk, and referred to the Committee on Common Schools.

Mr. Brand presented the resolution passed by the Agricultural Society of Champaign county, requesting the passage of an act providing that all lands which have heretofore escheated, and may not be sold, or that may hereafter escheat, may be applied to the benefit of the Agricultural Society of the county in which the same may be located.

Read at the Clerk's desk, and referred to the Committee on Agriculture.

H. B. No. 19; Was read the second time, and made the order of the day for to-day.

S. B.'s Nos. 21 and 22; Were read the second time, and made the order of the day for to-day.

S. B. No. 19; Was read the second time, and referred to Mr. Baird, as a committee of one.

S. B. No. 5; To amend an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

Read the third time, and the question being on its passage,

The yeas and nays were ordered, and were—yeas 27, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Hamilton, Hawley, Heaton, Kelly, Kirk, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Taylor of Mahoning, and Warfel—27.

Mr. Spencer voted in the negative.

So the bill, having received a constitutional majority, was passed, and the title ordered to be as aforesaid.

S. B. No. 6; To amend the act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

Read the third time, and the question being on its passage,

The yeas and nays were ordered, and were—yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Hamilton, Hawley, Heaton, Kirk, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—27.

Those who voted in the negative, were—none.

So the bill, having received a constitutional majority, was passed.

The title was then ordered to be as aforesaid.

Tuesday, January 22, 1856.

S. B. No. 12; To amend the 8th section of an act entitled "an act to amend the act entitled, 'an act to provide for the organization of cities and incorporated villages.'"

Read the third time, and the question being on its passage,

The yeas and nays were ordered, and were—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Hamilton, Hawley, Heaton, Kelley, Kirk, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—29.

Those who voted in the negative were—none.

So the bill, having received a constitutional majority, was passed.

The title was ordered to be as aforesaid.

S. B. No. 16; To amend section 67 of an act entitled "an act supplementary to the act defining the jurisdiction and regulating the practice of Probate Courts, passed May 1, 1854.

Read the third time, and the question being on its passage,

The yeas and nays were ordered and were—yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Hamilton, Hawley, Heaton, Hyer, Kelley, Kirk, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor, of Mahoning and Warfel—27.

Those who voted in the negative, were—none.

So the bill, having received a constitutional majority, was passed.

The title was then ordered to be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, to which the concurrence of the Senate is requested.

H. B. No. 24; To fix and provide for terms of the District Court, in the fifth Common Pleas District, in the third circuit of Ohio.

Attest:

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Resolved, By the Senate and House of Representatives, that the Attorney General be, and is hereby instructed to examine whether the Ohio and Pennsylvania Railroad Company complies with the provisions of its charter, which require said company to keep their principal office, and a majority of their directors in the State of Ohio, and to report at an early day of the session.

Attest:

J. S. ROBINSON, Clerk.

On motion of Mr. Kelley,

The resolution of the House was referred to the Committee on Railroads.

H. B. No. 24; To fix and provide for the terms of the District Court in the fifth Common Pleas District in the third circuit of Ohio.

Read the first time.

Mr. Brown, on notice, introduced the following bills:

Bill to provide for the payment of juries in civil actions.

Bill to provide for docketing civil cases in the Courts of Common Pleas, and District and Supreme Courts of the State of Ohio, and defraying the expense of the Judiciary of the State of Ohio.

Which were severally read the first time.

Mr. Matthews gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to enable Mutual Insurance Companies to become Joint Stock Companies.

Mr. Baird, on notice, introduced a bill to repeal the second section of an act entitled "an act to provide for the preservation and safe keeping of the Journals of the General Assembly," passed January 21, 1839.

Read the first time.

Mr. Baird also gave notice that on to-morrow, or on some subsequent day of the session, he would introduce a bill to amend the 4th section of the act entitled "an act to regulate the agencies of Insurance Companies not incorporated by the State of Ohio," passed May 1, 1854, so as to require the statement and evidences of investment required by said act, to be renewed annually, in the month of January in each year.

Mr. Spencer moved to take from the table the report of the Committee on Printing.

Which was agreed to.

The report was read at the Clerk's desk, and the Senate proceeded to consider it by items.

The amendments recommended by the report of the committee to the former report of the same committee, on the same subject, being as follows:

1st. In the third item and third line, strike out 200, and insert 500.

2d. In the eighth item, fifth line, strike out 500, and insert 1,000.

3d. Add at the end of the 13th item, these words:

"The number of each of the foregoing documents ordered for either House includes the usual number, that is 240, of each document.

The question then being on the adoption of the first item,

The yeas and nays were demanded and ordered, and were—yeas 16, nays 14.

Those who voted in the affirmative were—

Messrs. Brand, Brazer, Canfield, Converse, Hamilton, Hawley, Heaton, Lawrence, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer and Taylor of Mahoning—16.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brown, Buckland, Bundy, Burnett, Cattell, Gardner, Hardy, Kelley, Kirk, Lewis, Taylor of Geauga and Warfel—14.

So the first item was adopted.

The question then being on agreeing to the second item,

Mr. Brown moved to strike out the words "one thousand," and insert in their place the words "five hundred."

A division of the question being called for, it turned on striking out.

On which question the yeas and nays were demanded and ordered, and resulted—yeas 16, nays 13.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brown, Buckland, Burnett, Cattell, Gardner, Hawley, Kelley, Kirk, Lewis, Lunt, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—16.

Those who voted in the negative were—

Messrs. Brand, Braze, Bundy, Cattell, Converse, Hamilton, Heaton, Lawrence, Marsh, Matthews, Musgrave, Phelps and Spencer—13.

So the words "one thousand" were stricken out.

The question then being on filling the blank with the words "eight hundred," it was lost.

And the question then being on filling the blank with the words "seven hundred and fifty," it was lost.

The question then recurred upon the latter part of the original motion, viz: to fill the blank with the words "five hundred."

On this question the yeas and nays were demanded and ordered, and were—yeas 14, nays 15.

Those who voted in the affirmative were—

Messrs. Brand, Braze, Buckland, Bundy, Burnett, Converse, Hamilton, Hawley, Heaton, Lawrence, Marsh, Musgrave, Rush and Spencer—14.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brown, Canfield, Cattell, Gardner, Kelley, Kirk, Lunt, Matthews, Phelps, Taylor of Geauga, Taylor of Mahoning and Warfel—15.

So the question on filling the blank with the words "five hundred," was lost.

The question then being on agreeing to the second item,

Mr. Kelley moved to strike the whole of the second item from the report.

Pending the question to strike out,

The Senate took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Hamilton,

A call of the Senate was had, and five Senators were absent, and excused.

On motion of Mr. Lawrence,

All further proceedings under the call were dispensed with.

Mr. Spencer moved to indefinitely postpone the further consideration of the report of the Committee on Printing.

The question being on the indefinite postponement,

The yeas and nays were demanded and ordered, and resulted—yeas 21, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Braze, Brown, Buckland, Bundy, Burnett, Gardner, Hamilton, Kelley, Kirk, Lawder, Lawrence, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—21.

Those who voted in the negative were—

Messrs. Brand, Canfield, Cattell, Griswold, Hardy, Hawley, Lewis, Lunt and Marsh—9.

So the whole subject was indefinitely postponed.

Mr. Matthews moved a reconsideration of the question to indefinitely postpone.

Mr. Bundy moved to lay the motion to reconsider on the table.

The question being upon laying the motion to reconsider on the table,

The yeas and nays were demanded and ordered, and resulted—yeas 16, nays 15.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Gardner, Griswold, Kelley, Kirk, Lawder, Taylor of Geauga, Taylor of Mahoning and Warfel—16.

Those who voted in the negative were—

Messrs. Brand, Cattell, Hamilton, Hardy, Hawley, Heaton, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer and Willford—15.

So the motion prevailed.

Mr. Brand moved that the Senate adjourn.

A division was called for, and the question of adjournment was lost.

Mr. Lawrence then moved to take from the table the motion to reconsider the indefinite postponement of the report of the Committee on Public Printing.

Pending the question to take from the table the motion to reconsider,

Mr. Cattell moved that the Senate take a recess.

And a division being called for, the question was lost, and the Senate refused to take a recess.

Mr. Lawder then moved that the Senate adjourn.

And the question being on the adjournment,

A division was called for, and the question of adjournment was carried.

So the Senate adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, JANUARY 23, 1856.

Prayer by the Rev. J. W. White.

Mr. Holmes presented a memorial from the Ohio Life Insurance and Trust Company Bank of Cincinnati, praying to be restored to certain rights and privileges set forth in the memorial.

Which was read at the Clerk's desk, and referred to the Committee on Currency.

Mr. Taylor of Mahoning, from the select committee to whom was referred S. B. No. 17, reported the same back with the following amendment, and recommended the passage of the bill.

1st. Strike out the first section, and insert the following as the first section :

That whenever one-fourth of the legal voters of any incorporated village, of not more than one thousand inhabitants, organized under the act entitled "An act to provide for the organization of Cities and incorporated Villages," passed May 3, 1852, and the acts amendatory thereof, and supplementary thereto, shall present their petition in writing to the Mayor of such incorporated village, setting forth that it is the desire of three-fifths of the voters of the village to surrender the corporate right thereof, and praying that an election be held to determine the same, the Mayor shall give notice by publication in a newspaper, (if one be printed in such village,) and by posting up in five of the most public places in the village, written or printed notices that a vote will be taken on the question at the next election for officers of the village; which notice shall be given not less than twenty nor more than thirty days prior to the election. The ballots shall contain the words "for surrender," or "against surrender," and if three-fifths of the votes given at such election shall be in favor of the surrender, the village shall thereafter cease to be an incorporated village.

2d. In the 3d line of section 3, strike out the words "a majority," and insert "three-fifths."

And the question being on the amendments, they were agreed to.

And the bill was ordered to be engrossed, and read a third time to-morrow.

Mr. Canfield moved to suspend the rules, to enable the Committee on Common Schools to make a report.

Which was agreed to.

Whereupon, Mr. Canfield, from said committee, made the following report :

The Standing Committee on Schools and School Lands, to whom was referred the petition of J. N. Honecker and David Hart, citizens of Clearcreek township, in Ashland county, praying that the School Commissioner, or some other disinterested person, be authorized by law to re-district said township, or a portion of it, for school purposes, and that certain taxes paid by them be refunded, have had the same under consideration, and now

REPORT:

The petitioners complain, that by the improper districting of that portion of Clearcreek township in which they reside, the youth in their immediate neighborhood are deprived of the means of education, being compelled to travel over three miles in order to attend the district school; and that under the operation of the present school law, they have been taxed for building three new school houses.

The districting of townships for school purposes is properly entrusted by law to the Township Board of Education, and in the opinion of your committee, all special legislative interference with its duties, would be improper and impracticable.

The payment of taxes by the petitioners under the circumstances, as represented by them, presents no unusual case, and offers no reasons why they should be excepted from burdens imposed upon other citizens of the State.

Your committee therefore ask to be discharged from the further consideration of the petition.

H. CANFIELD,
M. D. HARDY,
FELIX MARSH.

Which report was accepted, and the committee discharged from any further consideration of the subject.

H. B. No. 24 ; Was read the second time, and referred to Messrs. Baird and Bundy, as a select committee of two.

S. B. No. 20 ; Was read the second time, and referred to the Committee on Corporations other than Municipal.

S. B. No. 23 ; Was read the second time, and referred to the Committee on the Judiciary.

S. B. No. 24 ; Was read the second time, and referred to the Committee on Corporations other than Municipal.

Mr. Hamilton moved to suspend the rules, to enable him to introduce a bill.

Which was agreed to.

Whereupon Mr. Hamilton introduced the following,

Which was read the first time :

A bill to provide for the manner of keeping, printing, and preserving the Journals the General Assembly.

Mr. Matthews, on notice, introduced

A bill to enable Mutual Insurance Companies to become Joint Stock Companies,

Which was read the first

Mr. Bundy moved to take from the table

S. B. No. 1 ; To repeal the act to prohibit the circulation of Foreign Bank Bills of a less denomination than ten dollars, passed May 1, 1854.

Which was agreed to.

The question then being on the passage of the bill,

Mr. Buckland moved to lay it on the table.

The question being upon laying upon the table, the yeas and nays were ordered, and resulted—yeas 10, nays 22.

Those who voted in the affirmative were—

Messrs. Buckland, Canfield, Converse, Gardner, Holmes, Matthews, Musgrave, Phelps, Taylor of Mahoning and Warfel—10.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Bundy, Burnett, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Rush, Spencer and Taylor of Geauga—22.

So the motion to lay upon the table was lost.

The question then being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 23, nays 9.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Cattell, Griswold, Hamilton, Hawley, Heaton, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Rush, Spencer, Taylor of Mahoning and Warfel—23.

Those who voted in the negative were—

Messrs. Canfield, Converse, Gardner, Hardy, Holmes, Matthews, Musgrave, Phelps and Taylor of Geauga—9.

So the bill, having received a constitutional majority, was passed.

The title was then ordered to be as aforesaid.

Mr. Brand moved to take from the table the motion to reconsider the question of the indefinite postponement of the Report of the Committee on Public Printing.

On this motion a division was called for, and the motion lost.

On motion of Mr. Gardner,

The Senate then took a recess.

THREE O'CLOCK, P. M.

Mr. Griswold asked and obtained leave to introduce a bill to amend an act entitled "An act regulating the elections in railroads, turnpike roads, canal and slackwater navigation companies, where the State is a stockholder, etc.," passed March 20, 1841.

Which was read the first time.

Mr. Griswold then moved that the constitutional rule be suspended, and that the bill be read the second time.

Which was agreed to unanimously, and read the second time.

The bill was then referred to Mr. Griswold as a special committee of one.

Mr. Kelley moved that the rules be suspended, to enable the Committee on Finance to make a report.

Which was agreed to.

Whereupon Mr. Kelley, from said committee, reported the following joint resolution directing the commissioners of the sinking fund to suspend action in certain cases therein stated.

Resolved, That the Commissioners of the Sinking Fund be, and they hereby are directed to suspend all further action in relation to the selection of some suitable office or place in the city of New York at which transfers of the stock of the State may be made, and the principal and interest of the foreign debt of the State may be paid, and in relation to the appointment of an agent to make such transfers and payments, until the General Assembly shall prescribe, or by resolution permit further action in the premises.

The question being upon the adoption of the joint resolution, it was agreed to.

Mr. Matthews gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to protect keepers of hotels, inns, and boarding houses, from liability in certain cases. Also,

A bill further to amend an act entitled "An act to prevent nuisances," passed Feb. 28, 1831. And to repeal the act passed March 25, 1851, entitled "An act further to amend an act entitled an act to prevent nuisances," passed Feb. 28, 1831. Also,

An act further to amend the act entitled "An act directing the mode of trial in criminal cases," passed March 7, 1831.

Mr. Brown asked leave of absence for the Committee on Penitentiary.

Which was agreed to.

Mr. Braze moved that the Senate resolve itself into Committee of the Whole.

Which was agreed to—Mr. Matthews in the chair.

After some time spent therein,

The Committee rose, and the chairman reported back

S. B. No. 21; To amend sections 490 and 491 of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853.

Without amendment;

The bill was then referred to Mr. Rush as a committee of one. Also

S. B. No. 22; To amend an act entitled "An act to provide for the proof, acknowledgement, and recording of deeds and other instruments of writing," passed Feb. 22, 1851.

With one amendment, to wit:

Strike out all after the enacting clause.

On motion of Mr. Holmes,

The amendment of the committee was agreed to, and the bill was laid upon the table. Also,

H. B. No. 6; Supplementary to an act defining the powers and duties of justices of the peace and constables in criminal cases.

Without amendment.

Which, on motion of Mr. Marsh, was then referred to the Judiciary Committee.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

THURSDAY, JANUARY 24, 1856.

Prayer by the Rev. J. W. White.

Mr. Hamilton presented a petition from Josiah White and others, praying for a reduction of the per diem of members of the General Assembly, and the payment of the State debt.

Which was read at the clerk's desk, and referred to the Committee on Retrenchment.

Mr. Buckland, from the Committee on Corporations other than Municipal, made the following report:

The Committee on Corporations other than Municipal, have had under consideration S. B. No. 20, referred to them, and report the same back with the following amendments, and recommend its passage.

1st. At the end of section 2, line 10, add the following: "except as otherwise provided by this act."

2. Strike out "thirty," at the end of the first line of section 5, and insert "ninety."

3. Strike out the following words in lines 7 and 8 of section 5, viz: "or said stock may be forfeited, with all the instalments paid thereon, to the Company."

The question then being on adopting the amendments contained in the report, They were agreed to.

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And the question then being on the adoption of the report,

"It was agreed to.

And the bill as amended referred to the Committee of the Whole.

Mr. Rush from the select committee to whom S. B. No. 21 was referred, reported the same back without amendment, and recommended its passage.

The report was agreed to, and the bill was ordered to be engrossed.

Mr. Griswold, a select committee of one, to whom was referred S. B. No. 30, reported the same back with one amendment, viz :

That the provisions of the act entitled "An act regulating the elections in railroad, turnpike road, canal and slackwater navigation companies, when the State is a stockholder," etc, passed March 29, 1841, relating to turnpike roads, canal and slackwater navigation companies, be, and are hereby extended and applied to railroad companies in which the State is a stockholder.

Sect. 2. This act shall be in force from and after its passage.

The question being on the adoption of the amendments, they were agreed to, and the bill read a third time.

The question then being upon the passage of the bill, the yeas and nays were ordered, and resulted—yeas 31, nays none.

Those who voted in the affirmative were—

Messrs Baird, Beatty, Brand, Bruzee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heston, Holmes, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—31.

Those who voted in the negative were—none.

So the bill, having received a constitutional majority, was passed.

And the title ordered to be as aforesaid.

S. B's Nos. 25 and 26 were read the second time, and referred to the Committee on the Judiciary.

S. B. No. 27 was read the second time, and went to the Committee of the Whole.

S. B. No. 17; Supplementary to an act entitled "An act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the acts amendatory thereof, and supplementary thereto.

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered and were—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Heston, Holmes, Kelley, Lawder, Lewis, Lunt, Marsh, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Withler—29.

Those who voted in the negative were—none.

So the bill, having received a constitutional majority, was passed.

The title was then ordered to be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill, with an amendment as follows:

Strike out all after the word repealed in the last line but one of the bill.

H. B. No. 7 ; To fix and provide for holding the terms of the Court of Common Pleas in the fourth Common Pleas district of Ohio.

Attest :

JAMES S. ROBINSON, Clerk.

The question being on agreeing to the amendment,

The yeas and nays were ordered, and resulted—yeas 32, nays none:

Those who voted in the affirmative were—

Messrs Baird, Beatty, Brand, Braze, Brown, Buckland, Burd, Burnett, Cinsfield, Catell, Converse, Gardner, Griswold, Hamilton, Harby, Hawley, Hewson, Holmes, Kelley, Kirk, Lawler, Lunt, Marsh, Matthews, Masgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—32.

Those who voted in the negative were—none.

So the amendment of the House was concurred in.

Message from the House of Representatives.

Mr. President :

The H use has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 25 ; To prescribe the times of holding the Court of Common Pleas in the third sub-division of the fifth judicial district.

H. B. No. 27 ; To amend the third section of an act entitled "An act to fix and provide, permanently, for holding the terms of the Court of Common Pleas in the eighth judicial district of Ohio."

Attest :

JAMES S. ROBINSON, Clerk.

On motion of Mr. Taylor of Mahoning,

The Message of the Governor, with the accompanying resolutions of the General Assembly of Vermont, relating to events in Kansas, and the subject of slavery, was taken up and referred to the Committee on Federal Relations.

House bills Nos. 25 and 27 were severally read the first time.

On motion of Mr. Marsh, it was

Resolved, That the Standing Committee on Public Works be instructed to inquire into the expediency of selling the interest owned by the State in all canals, railroads, turnpikes and slack water navigation companies, and report by bill or otherwise.

On motion of Mr. Marsh, it was also

Resolved, That the Standing Committee on the Judiciary be instructed to inquire into the propriety of repealing the second section of an act entitled "An act to extend the jurisdiction of Justices of the Peace in civil cases," and to amend sections four, five and seven of the act entitled "An act of the jurisdiction and procedure

before Justices of the Peace, and of the duties of Constables in civil cases," passed March 14th, 1853; and report by bill or otherwise.

Mr. Matthews, on notice, introduced the following bills :

A bill supplementary to, and to amend an act entitled "An act requiring annual settlements by county officers," passed March 22d, 1850, and to regulate the compensation of such officers.

A bill further to amend an act entitled "An act to prevent nuisances," passed February 28, 1831, and to repeal the act passed March 25, 1851, entitled "An act further to amend an act entitled 'an act to prevent nuisances,'" passed February 28, 1831.

A bill further to amend the act entitled "An act directing the mode of trial in criminal cases," passed March 7, 1831.

Which were severally read the first time.

Mr. Canfield offered the following preamble and resolution :

WHEREAS, The development of the agricultural and mineral resources of this State is of the highest importance to the best interests of its citizens ; and, whereas, the early completion of the Geological Survey, commenced under the authority of the General Assembly in the year 1837, will, as it is believed, contribute largely to the object proposed ; therefore,

Resolved, That the subject of a Geological Survey of this State be referred to a select committee of three, with instructions to report at as early a day as practicable, the amount of annual expenditures, and the time necessary to complete such survey, and what legislation is necessary therefor.

The question being on the adoption of the resolution,

It was agreed to ; and the Chair appointed Messrs. Canfield, Cattell and Converse said committee.

Mr. Taylor of Geauga, gave notice that, on to-morrow or some subsequent day of the session, he would introduce a bill to abolish the election of County Treasurer, and provide for an appointment of such responsible substitute as will collect the taxes for the lowest salary, and define their duties.

On motion of Mr. Braze,e,

S. B. No. 13 ; To fix the rate of interest, and prevent usury,

Was taken from the table, and referred to the Committee of the Whole.

Mr. Matthews, on notice, introduced

A bill to protect keepers of hotels, inns and boarding houses, in certain cases.

Read the first time.

Mr. Heaton offered for adoption the following resolution :

Resolved, That the Senate respectfully ask of the House that the resolution which was passed yesterday in relation to the suspension of action on the part of the Fund Commissioners be returned to this body.

Mr. Marsh moved to lay the resolution on the table.

Mr. Heaton asked, and obtained leave to withdraw his resolution.

On motion,

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Taylor of Mahoning, asked and obtained leave to introduce a bill,

To restrict the circulation of foreign bank paper, and to repeal prior acts in relation thereto.

Which was read the first time.

On motion of Mr. Taylor of Geauga, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing that all Justices of the Peace in all civil actions require a sum to be paid before issuing any process, said money to be paid into the State or country treasury; and report by bill or otherwise.

On motion of Mr. Phelps, it was

Resolved, That the Committee on Finance be instructed to inquire as to the expediency of so amending the "Act to create a Sinking Fund, for the payment of the principal and interest of the public debt of Ohio," passed March 14, 1854, and the act supplementary to, and amendatory of, the said act, as to transfer the appointment of an agent in the city of New York from the Commissioners of the Sinking Fund to the Governor, by and with the advice and consent of the Senate, with leave to report by bill or otherwise.

On motion of Mr. Marsh,

The Senate resolved itself into Committee of the Whole on the orders of the day, Mr. Kelley in the chair.

After some time spent therein,

The committee rose, and the Chairman reported that the committee had under consideration

S. B. No. 13; To fix the rate of interest, and to prevent usury;

Had made progress therein, and asked leave to sit again.

Which was agreed to.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

FRIDAY, JANUARY 25, 1856.

Prayer by Rev. J. W. White.

Mr. Griswold, from the Committee on Municipal Corporations, reported the following bill.

Which was read the first time.

A bill to amend an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the several acts amendatory thereof, and supplementary to said acts.

Mr. Baird, from the select committee to whom was referred H. B. No. 24,

Reported the same back without amendment, and recommended its passage.

The bill was then read the third time.

And the question being on its passage, the yeas and nays were ordered, and were—yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Blatty Brand, Brazee, Brown, Buckland, Bundy, Burnet, Canfield, Carver, Gindler, Griswold, Hamilton, Hardy, Hawley, Holmes, Iyer, Kelly, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Murgrave, Phelps, Rush, Spencer, Taylor of Genuga, Taylor of Mahoning and Warfel—31.

Those who voted in the negative were—none.

So the bill, having received a constitutional majority, was passed.

And the title was ordered to be as aforesaid.

H. B. No. 25; To fix and provide for the terms of the District Court in the 6th Common Pleas district, in the third circuit of Ohio,

Was read the second time and ordered to be engrossed.

H. B. No. 27; To amend the third section of an act entitled "an act to fix and provide permanently for holding the terms of the Court of Common Pleas in the eighth judicial district of Ohio,

Was read the second time and referred to Mr. Warfel as a committee of one.

S. B. No. 21; To amend the 490th and 491st sections of the code of civil procedure,

Was read the third time and referred to the Committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, with the following amendments:

S. B. No. 11; To fix and provide for the terms of the District Court in the several circuits composed of the fourth and sixth Common Pleas districts of Ohio.

Strike out all after the 18th day of June, 1st section, and insert the following:

"In the county of Holmes, on the 26th day of June;

"In the county of Wayne, on the 2d day of July;

"In the county of Ashland, on the 10th day of July."

Attest:

JAMES S. ROBINSON, Clerk.

The question being on agreeing to the amendments of the House,

Mr. Willford moved that the bill, with the pending amendments, be referred to a select committee of one.

Chair appointed Mr. Willford.

Message from the House of Representatives.

Mr. President:

The House has passed the joint resolution of the Senate, directing the Commissioners of the Sinking Fund to suspend action in certain cases therein stated.

Attest:

JAMES S. ROBINSON, Clerk.

Mr. Matthews, on notice, introduced

A bill to provide for the collection of fees and costs.

Which was read the first time.

On motion of Mr. Matthews, i was

Resolved, That the Standing Committee on the Judiciary be requested to inquire into the expediency of framing and reporting a bill defining bankruptcy, regulating the rights of bankrupts and their creditors, prescribing the mode of proceeding to distribute the assets of bankrupts equally amongst their creditors, and enumerating the cases in which bankrupt debtors shall be entitled to releases from their creditors.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Mr. Canfield asked and obtained leave of absence for Mr. Taylor of Mahoning.

On motion of Mr. Phelps,

The Senate resolved itself into Committee of the Whole, on the orders of the day—Mr. Kelley in the chair.

After some time spent therein,

The committee rose, and the Chairman reported that the committee had under consideration

S. B. No. 13; Regulating the rate of interest, and to prevent usury, and that the committee had made progress therein, and asked leave to sit again.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

SATURDAY, JANUARY 26, 1856.

Prayer by Rev. J. W. White.

Mr. Kelley presented the petition of Jacob Strickler, asking the allowance of certain claims set forth in the petition.

The petition was referred to the Committee on Claims.

Mr. Warfel presented the petitions of John A. Mager and forty others, and Joshua Maule and others, citizens of Harrison county, in relation to the Wheeling and Cadiz Plank Road Company.

Which petitions were referred to Mr. Warfel as a committee of one.

Mr. Heaton presented the petition of Thomas Milikin and other members of the bar of Butler county, praying that the salaries of Judges of the Common Pleas and Supreme Courts may be increased.

Which was referred to the Committee on Fees and Salaries.

Mr. Heaton also presented the memorial of sundry citizens, praying the passage of a law for the protection of game in the State of Ohio.

Which was referred to Messrs. Heaton and Brown as a special committee of two.

S. B. No. 28, was read the second time and referred to the Committee on Printing.

S. B. No. 29, was read the second time and referred to Messrs. Matthews and Murgrave as a special committee of two.

H. B. No. 25; Prescribing the times of holding the Courts of Common Pleas in the third sub-division of the fifth judicial district, was read the third time.

And the question being on its passage, the yeas and nays were ordered, and resulted—yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brown, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Rush, Spencer, Taylor of Geauga, Warfel and Willford—27.

Those who voted in the negative were—none.

So the bill, having received a constitutional majority, was passed.

The title was then ordered to be as aforesaid.

Message from the House of Representatives.

• *Mr. President :*

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 13; To fix and provide for the holding of the terms of the Court of Common Pleas, in the several counties of the second Judicial District of Ohio.

Attest:

J. S. ROBINSON, Clerk.

H. B. No. 13: Was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, to which the concurrence of Senate is requested.

Joint resolution in relation to to printing public documents.

Attest:

J. S. ROBINSON, Clerk.

On motion of Mr. Hamilton,

The joint resolution of the House, was referred to the Committee on Public Printing.

Mr. Canfield, on notice, introduced the following:

A bill to authorize the judges of the courts of common pleas of each judicial district to fix, permanently, the times for holding the courts of common pleas and district courts therein.

Read the first time.

Mr. Baird, on notice, introduced the following:

A bill to amend an act entitled "an act to regulate the Agencies of Insurance Companies not incorporated by the State of Ohio," passed May 1, 1854.

Read the first time.

On motion of Mr. Matthews,

The Senate resolved itself into Committee of the Whole, on the orders of the day—Mr. Holmes in the chair.

After some time spent therein,

The committee rose, and the chairman reported back

S. B. No. 20; Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, to create and regulate companies as lessees of railroads, plank roads and turnpikes.

With six amendments, as follows:

1st Amendment—In section 5, line 13, strike out the word "less," and insert in lieu thereof the words "after deducting."

2d Amendment—In section 6, line 1, strike out "are" and insert in lieu thereof "shall be."

3d Amendment—In section 6, line 6, strike out the word "are," and insert instead the words "shall be."

4th Amendment—Strike out section 10, and insert in lieu thereof the following:

Sec. 10. Such company shall have power to purchase any bonds or other securities of the company whose road is leased, and to sell and dispose of the same, with guarantee or otherwise, as to them may seem proper; and also to loan to the company from which the road is leased such sums of money as may be necessary for the construction, completion, or running their line of road; and to take all necessary security therefor, by mortgage on the road or otherwise.

5th. Amendment—In section 3, strike out "one hundred" and insert in lieu thereof "fifty."

6th Amendment—In section 4, strike out the word "ten," and insert in lieu thereof the word "five."

These several amendments were then agreed to, and the bill was then ordered to be engrossed, and to be read a third time on Monday next.

On motion of Mr. Kelley, it was

Resolved, That the following standing committees, to-wit:

The Committee on Claims,
The Committee on Public Benevolent Institutions,
The Committee on Public Printing,
The Committee on State Buildings,
The Committee on Salaries and Fees of Public Officers,

Be severally instructed to inquire and report to the Senate, as soon as practicable, whether any, and if any, what, temporary appropriations are necessary to pay the liabilities of the State on account of the branch of the public service committed to such committee.

On motion of Mr. Baird,

S. B. No. 27; Was referred to the Committee on Public Printing.

Mr. Hamilton, from the Committee on Public Printing, to whom was referred House Joint Resolution, relative to printing the Governor's Message and Annual Reports, reported the same back with sundry amendments, and recommended the passage of the resolution, except the 14th item of the same, with regard to which the committee made no recommendation.

AMENDMENTS OF THE COMMITTEE.

Fill the blanks in the several items of the resolution with the following numbers:

That in the first item with 500.
That in the second item with 1,000.
That in the third item with 500.
That in the fourth item with 500.

That in the fifth item with 500.

That in the sixth item with 1 000.

That in the seventh item with 1,000.

That in the eighth item with 1,000.

That in the ninth item with 1,000.

That in the tenth item with 500.

That in the eleventh item with 500.

That in the twelfth item with 500.

That in the thirteenth item with 500.

The report of the committee was accepted, and the amendments offered, severally, agreed to.

Mr. Kelley moved to strike out the 14th item of the House Joint Resolution, relating to printing one-fifth in German.

The question being on striking out,

The yeas and nays were demanded and ordered, and resulted—yeas 21, nays 7.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Buckland, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Marsh, Rush, Spencer, Taylor of Georgia, and Warfel—21.

Those who voted in the negative were—

Messrs. Brown, Canfield, Converse, Holmes, Matthews, Musgrave and Willford—7.

So the motion to strike out the 14th item prevailed.

On motion of Mr. Kelley,

The following amendment was adopted as the 14th item :

14th—The number of copies of each of the aforesaid reports, for the two branches of the General Assembly, shall be considered as including the usual number, (that is 140.) of copies, provided for by the joint rules, to be deducted from the number ordered for the two branches, in the ratio of one from the number provided for the Senate, and three from the number provided for the House.

The question then being upon the adoption of the resolution,

Mr. Kirk moved to lay the whole subject upon the table.

The yeas and nays being demanded, were ordered, and resulted—yeas 7, nay 21.

Those who voted in the affirmative were—

Messrs. Brown, Buckland, Cattell, Griswold, Kelley, Kirk, and Taylor of Georgia—7.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Canfield, Converse, Gardner, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Lawder, Lewis, Marsh, Matthews, Musgrave, Rush, Spencer, Warfel and Willford—21.

So the motion to lay upon the table was lost.

The question then being upon the adoption of the Joint Resolution of the House as amended.

The yeas and nays were demanded, ordered, and resulted—yeas 16, nays 12.

Those who voted in the affirmative were—

Messrs. Brand, Canfield, Converse, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Lawder, Marsh, Matthews, Musgrave, Rush, Spencer and Willford—16.

Those who voted in the negative were—

Messrs. Baird, Batty, Brown, Puckland, Cattell, Gardner, Griswold, Ilyer, Kirk, Lewis, Taylor of Genaga, and Warfel— 2.

So the Joint Resolution, as amended, was adopted, as follows :

Resolved, By the General Assembly of the State of Ohio, That the following numbers of the following documents be printed for distribution among the people by members, and for the use of the officers hereinafter named, viz :

1. *Governor's Annual Message*—For the Senate 500 copies; for the House of Representatives 1,500 copies; for the Governor 300 copies.

2. *Annual Report of the Auditor of State*—For the Senate 1,000 copies; for the House of Representatives 3,000 copies; for the Auditor of State 500 copies.

3. *Annual Report of the Secretary of State*—For the Senate 500 copies; for the House of Representatives 1,000 copies; for the Secretary of State 500 copies.

4. *Annual Report of the Treasurer of State*—For the Senate 500 copies; for the House of Representatives, 1,500 copies; for the Treasurer of State 200 copies.

5. *Annual Report of the Attorney General*—For the Senate 500 copies; for the House of Representatives 1,500 copies; for the Attorney General 100 copies.

6. *Annual Report of the Board of Public Works*.—For the Senate 1,000 copies; for the House of Representatives 3,000 copies; for the Board of Public Works 500 copies.

7. *Report of the Directors and Warden of the Ohio Penitentiary*—For the Senate 1,000 copies; for the House of Representatives 3,000 copies; for the Directors and Warden 400 copies.

8. *Reports of the Trustees of the Benvolent Institutions at Columbus*.—For the Senate 1,000 copies of each; for the House of Representatives 3,000 copies of each; for each Institution 1,000 copies of its own Report.

9. *Annual Report of the School Commissioner*.—For the Senate 1,000 copies; for the House of Representatives 3,000 copies; for the Commissioner 500 copies.

10. *Annual Report of the State House Commissioners*.—For the Senate 500 copies; for the House of Representatives 1,500 copies; for the Commissioners 100 copies.

11. *Reports of the Lunatic Asylums at Newburg and Dayton*.—For the Senate 500 copies; for the House of Representatives 1,500 copies; for the Trustees 100 copies.

12. *Semi-Annual Report of the Fund Commissioners*.—For the Senate 500 copies; for the House of Representatives 1,500 copies.

13. *Governor's Inaugural Address*—For the Senate 500 copies; for the House of Representatives 1,500 copies; for the Governor 300 copies.

14. The number of copies of each of the aforesaid reports for the two branches of the General Assembly, shall be considered as including the usual number (that is 240,) of copies, provided for by the joint rules, to be deducted from the number ordered for the two branches, in the ratio of one from the number provided for the Senate, and three from the number provided for the House.

The Senate then adjourned until 10 o'clock, A. M., on Monday next.

Attest :

W. T. BASCOM, Clerk.

MONDAY, JANUARY 28, 1856.

Prayer by the Rev. Mr. Reynolds.

Mr. Canfield presented the petition of Wm. E. Padu, and 41 other citizens of Medina county, asking for the repeal of the law imposing a poll tax.

Which was referred to the Committee on Roads and Highways.

Mr. Hyer presented the petition of Wm. Maina, and sundry other citizens, asking a change or addition to the seventh section of the act entitled "an act for the prevention of certain immoral practices."

Which was referred to Messrs. Hyer and Brown, as a special committee of two.

Mr. Kelley, from the Committee on Finance, reported

A bill prescribing the duties of the Commissioners of the Sinking Fund in certain cases.

Which was read the first time.

Mr. Hawley, from the Special Committee, reported back

H. B. No. 8; To amend the act entitled "an act to fix permanently the times for holding the Courts of Common Pleas in the seventh judicial district," passed January 31, 1854, and recommended its passage.

The bill was then read the third time, and the question being on its passage,

The yeas and nays were ordered, and were—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brown, Buckland, Bundy, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Rush, Spencer, Taylor of Geauga, Warfel and Willford—28.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed,

And the title ordered to be as aforesaid.

Mr. Willford, from the Special Committee, to whom S. B. No. 11, with House amendments, was referred, reported the same back with an amendment to the House amendment, as follows:

Strike out "10th day of July," and insert "23d day of July."

The question then being upon agreeing to the House amendments,

The first two amendments were agreed to, and the third disagreed to.

Mr. Warfel, from the Special Committee, to whom was referred the petition of the Cadiz and Wheeling Plankroad Company, reported by

Bill supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

Which was read the first time.

Mr. Baird, from the Special Committee, to whom was referred

S. B. No. 19; To fix and provide for holding the terms of the Court of Common Pleas in the several counties of the first sub-division of the fifth judicial district in Ohio,

Reported the same back with sundry amendments, as follows :

In line 5, strike out "fourth," and insert "second."

In line 7, strike out "second," and insert "first."

In line 10, strike out "August," and insert "July."

In line 10, strike out "fourth," and insert "third."

And recommended its passage.

And the question being on adopting the amendments,

They were agreed to,

And the bill ordered to be engrossed, and read the third time to-morrow.

H. B. No. 13, was read the second time, and referred to Messrs. Marsh and Heaton, as a select committee of two.

S. B's. Nos. 32, 33, 37 and 34, were severally read the second time, and referred to the Committee on Judiciary.

S. B. No. 31, was read the second time, and referred to Messrs. Matthews, Brown, Kirk, Warfel and Spencer, as a special committee of five.

S. B. No. 29; Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, to create and regulate companies as lessees of railroads, plankroads and turnpikes.

Was read the third time.

And the question being upon its passage,

The yeas and nays were ordered, and resulted—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brown, Buckland, Bundy, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Masgrave, Rush, Spencer, Taylor of Geauga, Warfel and Willford—28.

Those who voted in the negative were—none.

So the bill, having received a constitutional majority, was passed.

And the title ordered to be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill, without amendment:

S. B. No. 30; Supplementary to an act entitled "an act regulating the elections in Railroad, Turnpike-road, Canal and Slack-water Navigation Companies, where the State is a stockholder," &c., passed March 29, 1841.

Attest :

JAMES S. ROBISON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed the following Joint Resolution:

Relative to Woodworth's Patent.

Attest :

JAMES S. ROBISON, Clerk.

On motion of Mr. Spencer,

The resolution was referred to the Committee on Federal Relations.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to House Joint Resolution, relative to printing Public Documents, as follows:

They have agreed to that amendment which fills the blank in House Resolution, and disagree to Senate amendment in relation to striking out of the 14th section, and inserting the provision which the Senate proposes to insert in lieu of the 14th section.

Attest:

J. S. ROBINSON, Clerk.

Mr. Kelley moved that the Senate insist upon its amendment in relation to striking out the 14th item of House Resolution, relative to printing Public Documents, and inserting the amendment proposed by the Senate.

And the question being upon insisting upon the Senate amendment,

The yeas and nays were demanded and ordered, and resulted—yeas 18, nays 8.

Those who voted in the affirmative were—

Messrs. Bird, Beatty, Buckland, Bundy, Cattell, Gardner, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Rush, Spencer and Warfel—18.

Those who voted in the negative were—

Messrs. Brown, Canfield, Converse, Holmes, Marsh, Matthews, Musgrave and Willford—8.

So the Senate insisted upon its amendment.

Mr. Holmes gave notice that he would, on to-morrow, or some subsequent day of the session, introduce a bill supplementary and amendatory thereto of an act entitled "An act prescribing the duties of Supervisors and relating to roads and highways," passed April 7th, 1854.

Mr. Musgrave offered for adoption the following resolution:

Resolved, By the General Assembly of the State of Ohio, that the Secretary of State be, and he is hereby instructed to furnish to the Clerk of the Court of Common Pleas of Ashland county, ten copies of Swan's Revised Statutes, for the use of persons entitled thereto in said county.

Which was referred to Mr. Musgrave as a special committee of one.

On motion of Mr. Beatty the following was adopted:

WHEREAS, the burdens of taxation resting upon the people of the State, are now enormous and constantly increasing, without any corresponding reduction in the liabilities of the State; therefore, with a view to the speedy reduction of the same, be it

Resolved, That the Committee on Retrenchment be instructed to inquire into the expediency of a general system of retrenchment, and report to the Senate what office may be discontinued without injury to the interest of the State; what salaries may be reduced, and such other matters of retrenchment as to them may seem necessary.

The Senate then took a recess.

THREE O'CLOCK, P. M.

The President laid before the Senate three communications from the Governor, one appointing Henry V. Horton of Hamilton county, inspector at Cincinnati; one appointing James Elliott of Hamilton county Collector of Tolls at Cincinnati; and a third, appointing William M. Green of Coshocton county, to be Collector of Tolls at Ruscoe—all with the advice and consent of the Senate.

Mr. Kelley moved that the Senate go into executive session with closed doors, for the purpose of considering the nominations brought before the Senate by communications from the Governor.

And the question being upon going into secret session,

It was agreed to by a two-thirds vote, as required by the constitution.

The communications of the Governor were then read at the clerk's desk.

(See Appendix.)

The question then being on the Senate advising and consenting to the nominations made by the Governor.

Mr. Matthews moved that the several communications of the Governor be referred to the Committee on Public Works.

Which was agreed to.

A message was received from the House announcing that the Speaker had signed joint resolution extending the use of State Library to resident clergymen of Columbus. Also,

H. B. No. 2; To fix the times of holding Courts of Common Pleas in the counties of the second sub-division of the fifth judicial district.

The President of the Senate then signed the foregoing resolution and bill, as required by the constitution.

Mr. Marsh moved to suspend the rules, to enable the special committee to whom H. B. No. 13, was referred, to make a report.

Which was agreed to.

Whereupon Mr. Marsh reported back H. B. No. 13 without amendment, and recommended its passage.

Mr. Hexton then moved to suspend the rules, in order that the bill might be read a third time.

Which was agreed to,

And the bill was read the third time, and referred to Mr. Brand as a select committee of one.

Mr. Hamilton moved that the Senate resolve itself into Committee of the Whole upon the orders of the day.

And the question being shall the Committee of the Whole have leave to sit upon S. B. No. 13, To regulate the rate of interest, and prevent usury.

It was agreed to.

The Senate then resolved itself into Committee of the Whole on the orders of the day—Mr. Kelley in the chair.

After some time spent therein,

Tuesday, January 29, 1856.

The committee rose, and the chairman reported that the committee had had S. B. 13, under consideration, and had made progress therein, and asked leave to sit again.

Which was granted.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

TUESDAY, JANUARY 29, 1856.

Prayer by the Rev. Charles Reynolds.

Mr. Gardner presented the remonstrance of A. Bingham, George B. Smythe and sundry other citizens of Licking county, remonstrating against the passage of the bill now before the Senate, providing for the sale of Railroads.

Which was referred to the Committee on Judiciary.

Mr. Griswold, from the Committee on the Judiciary, to whom was referred the following resolution, reported the same back, and reported that no further legislation is needed in reference to the matters therein mentioned, and asked to be discharged from the further consideration of the subject.

Which was agreed to.

Resolved, That the Judiciary Committee be instructed to inquire what further legislation, if any, is necessary to protect the community against frauds in the sale of tickets in foreign gift enterprises, so called, and also whether the laws now in force are sufficient to suppress such enterprises as are set on foot within this State, with leave to report by bill or otherwise.

Also, the same committee reported back H. B. No. 6,

With one amendment, as follows :

Provided that the provisions of this act shall not extend to the punishment of crimes and offences mentioned in an act entitled "An act to punish certain crimes therein named," passed March 18, 1839, nor of the crimes or offences enumerated in the act entitled "An act to provide for the punishment of certain crimes therein named," passed February 27, 1834, nor to the offence of petit larceny.

And recommended its passage.

The question being upon agreeing to the amendment,

Mr. Rush offered the following amendment by way of rider :

SEC. 2. But the Justice may, notwithstanding the plea of guilty, refuse to impose upon the offender or offenders the punishment provided by law, in which case it shall be the duty of the Justice to recognize such person or persons pleading as aforesaid, to the proper Court, as in other cases.

Mr. Hawley moved to lay the bill, with pending amendments, on the table.

Which was agreed to.

Mr. Griswold, from the Judiciary Committee, reported back

S. B. No. 33 : Further to amend the act entitled "An act directing the mode of trial in criminal cases," passed March 7, 1831,

And recommended its passage.

The bill was then read the third time, and the question being upon its passage, The yeas and nays were ordered and resulted—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Warfel and Willford—29.

Those who voted in the negative were—none.

So the bill, having received a constitutional majority, was passed.

The title was then ordered to be as aforesaid.

Mr. Brand, from the Committee on Railroads and Turnpikes, reported back the resolution referred to said committee, requiring the Attorney General to make certain inquiries relative to the Ohio and Pennsylvania Railroad, with one amendment, as follows:

Strike out the word "examine," and insert "ascertain, by corresponding or otherwise."

The question being on agreeing to the amendment,

Mr. Spencer moved to re-commit to same committee.

Which was agreed to.

Mr. Matthews, from the select committee to whom was referred

S. B. No. 29; To enable Mutual Insurance Companies to become Joint Stock Companies," reported the same back with one amendment, and recommended its passage.

The bill, with pending amendments, was then referred to the Committee on Corporations other than Municipal.

Mr. Brand, from the select committee to whom was referred

H. B. No. 13; To fix and provide for the holding of the terms of the Court of Common Pleas in the several counties of the second judicial district,

Reported the same back without amendment, and recommended its passage.

The question then being on the passage of the bill,

The yeas and nays were ordered and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Warfel and Willford—30.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed.

The title was then ordered to be as aforesaid.

S. B. No. 35; Was then read the second time and referred to the Committee on Currency.

S. B. No. 19; To fix and provide for holding the terms of the Court of Common Pleas in the several counties of the first sub-division of the fifth judicial district of Ohio,

Was read a third time, and

The question being on its passage,

The yeas and nays were ordered and resulted—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga and Willford—28.

Those who voted in the negative were—none.

So the bill, having received a constitutional majority, was passed.

The title was then ordered to be as aforesaid.

Mr. Matthews moved to suspend the rules to enable the Judiciary Committee to report.

Which was agreed to.

Whereupon, Mr. Matthews, from said committee, reported back

S. B. No. 32; An act further to amend an act entitled "An act to prevent nuisances," passed February 28, 1831, and to repeal the act passed March 25, 1851, entitled "An act further to amend an act entitled an act to prevent nuisances," passed February 28, 1831,

And recommended its passage.

The bill was then read the third time, and

The question being upon its passage,

The yeas and nays were ordered and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Warfel and Willford—30.

Those who voted in the negative were—none.

So the bill, having received a constitutional majority, was passed.

The title was then ordered to be as aforesaid.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has signed the following bill:

H. B. No. 24; To fix and provide for the terms of the District Court in the fifth Common Pleas District in the third circuit of Ohio.

Attest:

JAMES S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing bill.

Message from the House of Representatives.

Mr. President:

The House insists upon its refusal to concur in Senate amendment to the 14th

item of the joint resolution in relation to printing the public documents, and ask for a committee of conference.

Attest:

JAMES S. ROBINSON, Clerk.

On motion of Mr. Kelley,

The Senate agreed to a committee of conference.

The President appointed Messrs. Kelley and Spencer said committee.

Mr. Hamilton moved that the Senate proceed to elect a committee on Enrollment, in pursuance of the joint rules.

Which was agreed to.

Mr. Hamilton then nominated Messrs. Hawley and Hardy as said committee, and there being no other nominations, the Senate proceeded to elect.

And Messrs. Hawley and Hardy were elected said committee.

Mr. Kelley, from the Finance Committee, reported a bill

Prescribing the duties of the Auditor and Treasurer of State, relative to the receipt, safe keeping and disbursement of public moneys, and accounting therefor.

Which was read the first time.

Mr. Spencer moved to suspend the rules, to enable the Judiciary Committee to make a report.

Which was agreed to.

Whereupon Mr. Spencer reported back

S. B. No. 23; And recommended its indefinite postponement.

Which was agreed to.

The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Kirk,

The Senate resolved itself into Committee of the Whole on the orders of the day—Mr. Kirk in the chair.

After some time spent therein,

The committee rose, and the Chairman reported that the committee had had under consideration

S. B. No. 13; To fix the rate of interest, and to prevent usury.

And had made progress therein, and now reported it back to the Senate.

Mr. Marsh moved to indefinitely postpone the bill.

Mr. Buckland demanded the yeas and nays, which were ordered; but, before the Clerk proceeded with the call,

Mr. Matthews moved a call of the Senate.

The roll was called, and the following Senators ascertained to be absent:

Messrs. Beatty, Brown, Brundy, Hamilton, Heaton, Holmes, Hyer, Lawrence, Lunt, Rush, and Taylor of Mahoning.

The following Senators were excused:

Messrs. Lawrence, Lunt, and Taylor of Mahoning.

On motion of Mr. Marsh,

All further proceedings under the call were dispensed with.

Mr. Marsh asked and obtained leave to withdraw his motion to indefinitely postpone S. B. No. 13.

Mr. Brand then offered the following amendment to the first section of the bill :

Provided that as high as eight per cent. per annum on special contract in writing between individuals, for ninety days and over, for lent money or the forbearance of debt, may be allowed, and such special contracts are hereby authorized.

And the question being upon the adoption of the amendment,

It was lost.

On motion of Mr. Buckland,

The bill was then referred to the Committee on Currency.

Mr. Kelley asked to be excused from serving on the Committee on State Buildings.

Which was agreed to.

Mr. Taylor of Geauga, nominated Mr. Canfield to serve as committeeman in the place of Mr. Kelley, excused.

And the question being on the election of Mr. Canfield, he was unanimously elected.

Mr. Brand, from the Committee on Railroads and Turnpikes, moved to suspend the rules to enable said committee to report.

Which was agreed to.

Whereupon, Mr. Brand, from said committee, reported back

House joint resolution, instructing the Attorney General to inquire whether the Ohio and Pennsylvania Railroad has complied with its charter, with pending amendments, and recommended its adoption.

Mr. Spencer moved that the following be adopted as an amendment :

Resolved, by the General Assembly of the State of Ohio, That the Attorney General be, and he is hereby, instructed to inquire whether there is a provision in the charter of the Ohio and Pennsylvania Railroad Company requiring that a majority of the directors of said company be residents of the State of Ohio, and that they keep their principal office in the State ; and if there is such provision in said charter, that he report whether the same has been violated ; and that he report at an early day of the session.

Mr. Brazer moved to recommit the joint resolution, with pending amendments, to the Committee on Railroads and Turnpikes.

Which was agreed to.

Mr. Canfield offered for adoption the following resolution :

1. *Resolved by the Senate and House of Representatives, That a joint committee, to consist of three on the part of the Senate, and — on the part of the House, be appointed to inquire and report to the General Assembly the amount of indebtedness of the several Benevolent Institutions over the several amounts appropriated for their support, use and management ; whether any of said indebtedness has been paid, and if so, by what authority ; also, whether said indebtedness has been necessarily incurred.*

2. That said committee inquire and report to the General Assembly whether the appropriations for the building, &c., of the State House, have all been expended for the purpose for which appropriations were made, and whether the contracts for the completion or partial completion of the same have been made in conformity to law ; and that said committee inquire and report as to other matters connected with, and incidental to, the investigation herein contemplated ; and that said committee have power to send for papers and persons.

The question being on the adoption of the resolution,

Mr. Hamilton moved that so much of the resolution as relates to Public Benevolent Institutions, be referred to the Committee on Public Benevolent Institutions ; and so much as relates to Public Buildings, to the Committee on State Buildings.

Which was agreed to.

Mr. Buckland moved to take up

S. B. No. 2 ; To attach a part of Ballville township, in Sandusky county, to the township of Sandusky, in said county.

Which was agreed to.

On motion of Mr. Brazee,

The bill was referred to Mr. Buckland as a committee of one, with instructions to so modify the bill as to make the provision general and applicable to all cases of a similar nature that may hereafter arise.

Which was agreed to.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, JANUARY 30, 1856.

Prayer by the Rev. Charles Reynolds.

Mr. Hyer presented the petition of John Reynolds and 526 other colored citizens of Ross county, praying for the benefits of the Public Benevolent Institutions, the right of trial by jury, and the exercise of the elective franchise.

Which was read at the Clerk's desk, and referred to Messrs. Canfield, Taylor of Geauga, and Brown, as a special committee of three.

Mr. Brazee, from the Committee on Currency, made the following report :

The Committee on the Currency have had under consideration the memorial of the Ohio Life Insurance and Trust Company, and report :

1. That the General Assembly have not the constitutional power to restore to said company, by special act, the right to issue bank notes.

2. That the right of the State to impose the taxes complained of, has been the subject of adjudication before the Supreme Court of the United States, and it has been sustained by that Court.

Your committee, therefore, deem it inexpedient to grant the prayer of the memorialists, and ask to be discharged from the further consideration of the subject.

JOHN T. BRAZEE,
H. GRISWOLD,
ALFRED KELLEY.

The report was accepted, and the committee discharged from any further consideration of the subject.

Mr. Griswold from the Judiciary Committee, reported back Senate bill, No. 38, with two amendments, as follows :

In the title of the bill, between the words " of," and " Toledo," insert " Cincinnati."

In the second line of the first section, and between the words " of," and " Toledo," insert " Cincinnati."

The question being upon agreeing to the amendments reported,

They were agreed to.

Said bill was ordered to be engrossed, and read a third time to-morrow.

The same committee reported back S. B. No. 21, with one amendment, as follows :

Provided, that as between different creditors, transcripts filed in vacation, shall only have a lien on the real estate of the judgment debtor from the first day of the next succeeding term of the Court of Common Pleas.

Which was agreed to,

And the bill referred to the Judiciary Committee.

The same committee reported back S. B. No. 9, concerning the enacting and repealing of statutes, with the following amendments :

Fill the first blank, in the first section, with the word " first," and the second blank in the same line, with the word " May," and recommended its passage.

The question being upon agreeing to the amendments,

They were adopted,

And the bill was ordered to be engrossed, and read the third time to-morrow.

Mr. Buckland, from the Committee on Corporations other than Municipal, reported back

S. B. No. 29, with the pending amendments, and recommended its passage.

The bill, with pending amendments, was then referred to the Committee on the Judiciary.

Mr. Kelley presented the petition of the Columbus and Sandusky Turnpike Company, praying relief from certain grievances described in the petition.

Which was read at the Clerk's desk,

And referred to the Committee on Railroads and Turnpikes.

On motion of Mr. Marsh, it was

Resolved, That the Standing Committee on Salaries and Fees of Public Officers be instructed to inquire into the propriety of so amending the existing laws as to allow the Commissioners of each county to fix and determine the salary of each county officer, the same to be paid out of the County Treasury ; and report by bill or otherwise.

S. B. No. 40, was read the second time, and referred to the Committee on Railroads and Turnpikes.

S. B. No. 36, was read the second time, and referred to the Committee on Municipal Corporations.

Message from the House of Representatives.

Mr. President:

The Speaker has appointed Messrs. Langdon, McFarland and Allen, as a Committee of Conference, on the part of the House, in relation to printing the Governor's Message.

Attest:

JAMES S. ROBINSON, Clerk.

Mr. Brown offered for adoption the following preamble and resolution:

WHEREAS, we have authentic information that certain quite, peaceable persons, in the city of Cincinnati, county of Hamilton, and State of Ohio, guilty of no offence known to our laws, were, on last Monday, attacked by one "Ellis, and a large body of assistants," citizens of said city, under the lead of Archibald K. Guimes, and a Major Murphy of Kentucky; and,

Whereas, one of the party thus assailed, finding Ellis and his assistants about to gain a victory over a weak mother and her four infant children, and in order to save those children from a life, every moment of which was to be infinitely worse than death, with a mother's devotion to her offspring, took the life of her youngest child, and sought, with her own hands, to take the life also of her three remaining children; and,

Whereas, the citizens of said city, thus engaged, actuated only by their own inherent wickedness and inhumanity, voluntarily engaged their services to hunt down defenceless woman, and unoffending children, and thus produced a tragedy, having no parallel in the annals of our State; therefore,

Resolved, That the Committee on the Judiciary be requested to introduce a bill to prevent the recurrence of such scenes in our State; and, further, to prevent the wicked, depraved and abandoned among us from participating therein.

And the question being upon adopting said preamble and resolution,

Mr. Marsh moved to amend the resolution, so as to read that the Judiciary Committee be requested "to inquire into the propriety of introducing," instead of "be requested to introduce."

And the question being upon the adoption of the amendment,

Mr. Brazeel offered the following amendment to the amendment, viz:

That the Judiciary Committee be requested to inquire whether any legislation can be adopted, not inconsistent with the Constitution and laws of the United States, to prevent the recurrence of such scenes, with leave to report by bill or otherwise.

Which amendment was accepted by Mr. Marsh.

Mr. Heaton then asked, and obtained leave to introduce a resolution, and thereupon offered the following:

Resolved, That the members of this body are proud to acknowledge a paramount obligation to our national Constitution, and an unyielding devotion to a Union of these States, at the same time we regard the institution of slavery as the great evil of the age.

Resolved, That we view with deepest horror the recent bloody drama, occurring in the capture of some fugitive slaves at Cincinnati, and regard the same as the result of the stupendous evil of slavery.

Pending the question of the adoption of the amendment to the resolution offered by Mr. Brown, and pending the question on the adoption of the resolutions offered by Mr. Heaton,

On motion of Mr. Kelley,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on the adoption of the amendment to the resolution,
Mr. Brown accepted the amendment offered.

The question then being upon the adoption of the preamble and resolution as amended,

Mr. Kelley moved a division of the question,

Which was agreed to,

And it turned on the adoption of the resolution, as amended.

Which was agreed to.

The question then recurring on the adoption of the preamble,

Mr. Phelps called for the yeas and nays,

Which were ordered and resulted—yeas 24, nays 7.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lewis, Lunt, Marsh, Musgrave, Taylor of Geauga, Taylor of Mahoning, and Warfel—24.

Those who voted in the negative were—

Messrs. Braze, Converse, Matthews, Phelps, Rush, Spencer and Willford—7.

So the preamble was adopted.

Mr. Kelley moved a reconsideration of the question upon the preamble,

Which was agreed to.

Mr. Kelley then moved to refer the preamble to Mr. Brown as a committee of one,

Which was agreed to.

Mr. Buckland, on leave, introduced

A bill to authorize the consolidation of railroad companies in this State with railroad companies of adjoining States, in certain cases, and to authorize railroad companies of this State to extend their roads into adjoining States.

Which was read the first time.

Mr. Brand moved to suspend the rules, to enable the Committee on Railroads and Turnpikes to make a report.

Which was agreed to.

Whereupon, Mr. Brand from said committee made the following report:

The Standing Committee on Railroads and Turnpikes, to whom was referred joint resolution instructing the Attorney General to examine whether the Ohio and Pennsylvania Railroad Company complies with its charter, have had the same under consideration, together with the amendments, and have ascertained that there

has been a new organization of said company, in the election of a new Board of Directors, which will be likely to give satisfaction to the Ohio stockholders, and as this is a consolidated company, organized by charters respectively from the States of Ohio and Pennsylvania, that any action by the Ohio Legislature might, and most probably would meet with conflicting legislation in Pennsylvania, the committee therefore recommend the indefinite postponement of the resolution, with the amendments, and ask to be discharged from any further consideration thereof.

JOS. C. BRAND,
JOHN T. BRAZEE.

Mr. Phelps moved that the report be accepted and the committee discharged.
Which was agreed to.

Mr. Kelley moved to suspend the rules to enable the Conference committee to make a report.

Whereupon, Mr. Kelley, from said committee made the following report.

The committee of the Senate, appointed to meet and confer with the committee of the House of Representatives, as a committee of conference in relation to the disagreement between the two branches upon the joint resolution for printing extra copies of the annual message of the Governor and other documents, report—

That they have met the committee of the House, and have been unable to agree with that committee upon any recommendation to their respective branches in regard to the subject matter of difference.

ALFRED KELLEY,
E. A. SPENCER,
Committee.

The report was accepted and the committee discharged.

Mr. Brazee moved that the Senate do adhere to its amendment of the 14th item of House joint resolution relative to printing public documents.

And the question being upon adhering to the Senate amendment,

Mr. Matthews demanded the yeas and nays, which were ordered, and resulted— yeas 23, nays 7.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Burnett, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lewis, Marsh, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—23.

Those who voted in the negative were—

Messrs. Brown, Canfield, Converse, Matthews, Musgrave, Phelps and Willford—7.

So the Senate adhered to its amendment to the joint resolution.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

THURSDAY, JANUARY 31, 1856.

Prayer by the Rev. Charles Reynolds.

Mr. Matthews presented the memorial of E. Lane, Samuel R. St. John, and other members of a committee, on behalf of the American Association for the Advancement of Science, praying a resumption of the geological survey of this State, which was referred to the special committee on that subject.

Mr. Canfield, from the committee on Schools and School Lands, to whom was referred the petition of sundry citizens of Cincinnati, praying an amendment of the law regulating the public schools of Cincinnati, reported by bill: To amend an act entitled "an act to amend the act to provide for the maintenance and better regulation of common schools in the city of Cincinnati," passed January 27, 1853—April 18, 1854,

Which was read the first time.

Mr. Brazee, from the committee on Currency, reported back S. B. No. 4, with amendments.

On motion of Mr. Brazee, the bill, with pending amendments, was laid upon the table, and the amendments ordered to be printed.

Mr. Musgrave, special committee, to whom was referred resolution relative to providing the clerk of Ashland county common pleas court with copies of Swan's Statutes for the use of persons entitled to them, reported the same back and recommended its passage.

And the question being on its passage, it was agreed to.

Mr. Warfel, special committee, to whom was referred

H. B. No. 27; To amend the third section of an act entitled "an act to fix and provide permanently for holding the terms of the court of common pleas in the eighth judicial district of Ohio, reported the same back and recommended its passage.

The bill was then read the third time, and the question being on its passage, the yeas and nays were ordered and resulted—yeas 30, nays none—as follows:

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—30.

Those who voted in the negative were—none.

So the bill having received a constitutional majority was passed, and the title ordered to be as aforesaid.

S. B. No. 38, was read the second time, and referred to committee of the whole, and made the order of the day for to-morrow.

S. B. No. 39, was read the second time and referred to Mr. Baird, as a select committee of one.

S. B. No. 41, was read the second time and made the order of the day for to-morrow.

S. B. No. 3; Ceding to the United States of America jurisdiction over certain lands and their appurtenances in the cities of Cincinnati, Toledo, Sandusky and Cleveland, Ohio, and exempting the same from taxation,

Was read the third time, and the question being on its passage,

Mr. Kelley moved that the bill be recommitted to the committee on the Judiciary.

Mr. Taylor of Mahoning moved to amend the motion by adding,

“ With instructions to amend the bill so as to limit the quantity of territory over which jurisdiction is ceded, and to define the purposes of the cession, and the extent of the jurisdiction ceded.”

The question then being upon the adoption of the amendment, the yeas and nays were demanded, and ordered, and resulted—yeas 17, nays 14—as follows :

Those who voted in the affirmative were—

Messrs. Beatty, Brown, Burnett, Cattell, Hamilton, Hardy, Hawley, Heaton, Kelley, Kirk, Lawder, Lewis, Lunt, Musgrave, Rush, Taylor of Geauga and Taylor of Mahoning—17.

Those who voted in the negative were—

Messrs. Baird, Brazee, Buckland, Canfield, Converse, Gardner, Griswold, Hyer, Lawrence, Marsh, Matthews, Phelps, Spencer and Warfel—14.

So the amendment was adopted.

The question then being upon the motion as amended, it was adopted.

The Senate then took a recess.

THREE O'CLOCK, P. M.

S. B. No. 9; Concerning the enacting and repealing of statutes,

Was read the third time, and the question being on its passage, the yeas and nays were ordered and resulted—yeas 27, nays none—as follows :

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Rush, Taylor of Mahoning and Warfel—27.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed, and the title ordered to be as aforesaid.

Mr. Lunt moved a reconsideration of the question referring S. B. No. 3 to the Judiciary committee with instructions.

And the question being upon reconsideration, the yeas and nays were demanded and ordered, and resulted yeas 23, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Spencer, Taylor of Geauga and Warfel—23.

Those who voted in the negative were—

Messrs. Brown, Burnett, Cattell, Hyer, Rush and Taylor of Mahoning—6.

So the question of reconsideration carried.

The question then recurring upon referring the bill to the Judiciary committee with instructions, it was lost.

Thursday, January 31, 1856.

Mr. Buckland then moved to refer the bill to the Judiciary committee, which was agreed to.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill :

S. B. No. 19 ; To provide for holding the terms of the court of common pleas in the first sub-division of the fifth judicial district in Ohio.

Also the following bill with amendments :

S. B. No. 11; To fix and provide for the terms of the district court in the second circuit of the 4th and 6th common pleas district of Ohio.

Attest :

JAMES S. ROBINSON, Clerk.

The question then being upon agreeing to the House amendments to S. B. No. 11, they were agreed to, as follows :

Strike from Section 3d all after the word "repealed."

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills and joint resolution :

S. B. No. 7 ; To fix and provide for holding the terms of the court of common pleas, in the fourth common pleas district of Ohio.

S. B. No. 30 ; Supplementary to an act entitled " an act regulating the elections in railroad, turnpike road, canal and slack-water navigation companies, where the State is a stockholder," &c., passed March 29, 1841.

S. Joint Resolution No. 1; Directing the Commissioners of the Sinking Fund to suspend action in certain cases therein stated.

Attest :

JAMES S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills and joint resolution :

On motion of Mr. Marsh, the Senate then resolved itself into committee of the whole, on the orders of the day, Mr. Lawrence in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration,

S. B. No. 38; To authorize the judges of the court of common pleas of each judicial district to fix permanently the times for holding the courts of common pleas and district court therein,

And now reported the same back to the Senate without amendment.

On motion of Mr. Marsh, the bill was referred to Mr. Canfield, as a special committee of one.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

FRIDAY, FEBRUARY 1, 1856.

Prayer by the Rev. Charles Reynolds.

Mr. Baird, select committee, to whom was referred S. B. No. 39, reported the same back with amendments.

The bill, with pending amendments, was then referred to the Judiciary committee.

Mr. Hyer, select committee to whom was referred the petition of Wm. Mains and others, reported by bill to amend the seventh section of an act entitled an act for the prevention of certain immoral practices, passed February 17, 1831, which was read the first time.

Mr. Canfield, from the select committee to whom was referred the subject of a geological survey of the State of Ohio, reported by bill providing for a geological survey of the State of Ohio, which was read the first time.

On motion of Mr. Kelley, it was

Resolved, That the committee on the Judiciary, who were instructed to inquire whether any legislation can, without infringing the Constitution and laws of the United States, be adopted, be instructed especially to inquire whether any person claimed to be a fugitive from labor is constitutionally entitled to a trial by jury to determine whether or not such person owes service to any other person, and whether any law can constitutionally be enacted to make it a penal offence for assisting to remove any person so claimed to be a fugitive from service out of this State who has not been found by a jury to owe service as aforesaid.

On motion of Mr. Kelley, the Senate then resolved itself into committee of the whole, on the orders of the day, Mr. Converse in the chair.

After some time spent therein, the committee rose and the chairman reported that the committee had had under consideration S. B. No. 41, and had made progress therein, and asked leave to sit again,

Which was agreed to.

On motion of Mr. Kirk, the following resolution was adopted :

Resolved, That when the Senate adjourn to-day, it will adjourn until Tuesday next at 3 o'clock P. M.

The Senate then took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Brand, it was

Resolved, That the messenger boys of the Senate be paid for their services, as follows: John W. Wallace, at the rate of two dollars per day, and Robert E. Shelden and Frederick Sallida each one dollar and fifty cents per day.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolution :

Resolved by the General Assembly of the State of Ohio, That the Directors and Warden of the Ohio Penitentiary be required to report forthwith to this General Assembly the following information :

The names of all persons having contracts for convict labor, the manner in which the contracts were let, the time when they commenced and when they will expire, the different trades carried on by the contractors and the annual product of each trade, the number of convicts included in each contract and the price per day for each hand paid by each contractor; whether any business is carried on in the Penitentiary which is not under contract; if so, what; how many convicts are so employed, and what are their earnings; and be it further resolved, that no contracts for the employment of convicts, nor the extension of contracts heretofore made, be entered into by the Directors or Warden without the concurrence of this General Assembly.

Attest:

JAMES S. ROBINSON, Clerk.

On motion of Mr. Heaton, the resolution was referred to the committee on Penitentiary.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 21; to fix the times of holding the district courts in the counties of the third common pleas district of Ohio;

H. B. No. 22; to fix and provide for holding the terms of the courts of common pleas in the several counties of the third judicial district of Ohio.

Attest:

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President:

The House ask for a new committee of conference on the difficulty between the two houses on the joint resolution relative to printing Governor's Message, &c.

The House has passed the following bill, without amendment:

S. B. No. 16; to amend section 67 of an act entitled an act supplementary to the act defining the jurisdiction and regulating the practice of probate courts, passed May, 1854.

Attest:

J. S. ROBINSON, Clerk.

Mr. Hamilton moved to reconsider the vote by which the Senate adhered to its amendment to House joint resolution providing for printing one-fifth of the public documents in German, which was agreed to.

The question then being, shall the Senate adhere to its amendment striking out the 14th item of House joint resolution relative to printing public documents,

Mr. Kelley moved to lay the motion on the table, which was agreed to.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Converse in the chair.

After some time spent therein, the committee rose and the chairman reported that the committee had had under consideration S. B. No. 41, and reported the same back with sundry amendments.

Mr. Spencer moved to suspend the rules to enable him to introduce a bill, which was agreed to, whereupon Mr. Spencer, on leave, introduced the following:

A bill to amend an act entitled an act to fix and provide permanently for hold-

ing the terms of the court of common pleas in the eighth judicial district of Ohio, passed January 6, 1854,

Which was read the first time.

Mr. Taylor, of Geauga, asked and obtained leave to withdraw from the files of the Senate the papers in the case of Samuel Bowers.

On motion of Mr. Taylor, of Geauga, it was

Resolved, That the committee on Retrenchment be required to consider the expediency of so altering the law providing for the election and government of county infirmaries, as to provide that the duties and responsibilities be placed in the hands of one officer, and defining his duties; and further, whether any legislation is necessary or is expedient to make provision authorizing the directors to receive proposals for renting infirmary buildings, farms and fixtures, and for specifications to have the paupers kept at fixed rates per week or year, and whether it is necessary to make any provision that the commissioners of the several counties may enter into arrangements to have a district infirmary located where the inmates may be employed more profitably, and that they have leave to report by bill or otherwise.

On motion of Mr. Holmes, the Senate adjourned.

Attest:

W. T. BASCOM, Clerk.

TUESDAY, FEBRUARY 5, 1856.

THREE O'CLOCK P. M.

Mr. Griswold presented the petition of Wm. S. Hunter and 16 other citizens of Monroe county, praying the passage of a law prohibiting justices of peace from acting as attorneys or counsel before other justices,

Which was referred to the committee on Judiciary.

Mr. Brazee, from the committee on Currency, reported back

S. B. No. 13; To fix the rate of interest and prevent usury, with sundry amendments, which were laid upon the table and ordered to be printed.

Also the same committee reported back

S. B. No. 35; To restrict the circulation of foreign bank paper, and to repeal prior acts in relation thereto, with a recommendation that the same be indefinitely postponed,

And the question being on agreeing to the report of the committee.

On motion of Mr. Taylor the bill was laid upon the table.

S. B. No. 42, was read the second time, and made special order of the day for to-morrow.

S. B. No. 43, was read the second time and referred to the committee on Railroads and Turnpikes.

S. B. No. 44 and 45, were read the second time and made the order of the day for to-day.

S. B. No. 46, was read the second time and referred to the committee on Agriculture.

S. B. No. 47, was read the second time and referred to Mr. Spencer, as select committee of one.

On motion of Mr. Brand, it was

Resolved, That the standing committee of Public Printing be instructed to inform the Senate why the public documents and reports are not yet printed, and particularly the number authorized to be printed by the joint rules.

Mr. Taylor of Mahoning, on leave, introduced a bill supplementary to the several acts concerning railroad companies,

Which was read the first time.

On motion of Mr. Brazee, the amendments to S. B. No. 4 were taken from the table, and the bill with pending amendments was referred to committee of the whole and made the order of the day for to-morrow.

H. B. Nos. 21 and 22 were read the first time.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, FEBRUARY 6, 1856.

Mr. Burnett presented the petition of the county surveyors of the different counties in the State of Ohio, praying a revision of the laws regulating the office of county surveyor in this State,

Which was read at the clerk's desk, and referred to the committee on Salaries and Fees of Public Officers.

Mr. Hawley, from the joint standing committee on Enrollment made the following report :

The joint standing committee on Enrollment respectfully report that they have examined and found correctly enrolled the following bills and resolutions :

S. B. No. 7 ; To fix and provide for holding the terms of Courts of Common Pleas in the 4th common pleas district of Ohio.

S. B. No. 30 ; To amend an act entitled an act regulating the elections in railroad, turnpike road, canal and slack-water navigation companies, where the State is a stockholder, &c., passed March 29, 1841.

Senate Joint Resolution, No. 1 ; Directing the commissioners of sinking fund to delay action in certain cases.

H. B. No. 2 ; To fix and provide for holding the terms of the Court of Common Pleas in the several counties of the 2d subdivision of the 5th judicial district of Ohio.

H. B. No. 24 ; To fix and provide for the terms of the District Court in the 5th common pleas district in the 3d circuit of Ohio.

House Joint Resolution No. 1 ; Tendering use of State library to resident clergymen of Columbus for one year.

H. B. No. 13 ; To fix and provide for holding the terms of the Court of Common Pleas in the several counties of 2d judicial district of Ohio.

H. B. No. 25 ; To prescribe the times for holding the Court of Common Pleas in the third sub-division of the fifth Judicial District.

H. B. No. 8; An act to amend the act entitled an act to fix permanently the times for holding the Courts of Common Pleas in the seventh judicial district, passed January 31, 1854.

S. B. No. 19; To fix and provide for holding the terms of the court of common pleas in the several counties of the first sub-division of the fifth judicial district of Ohio.

H. B. No. 27; To amend the third section of an act entitled an act to fix and provide for holding the terms of the Court of Common Pleas in the eighth judicial district of Ohio.

S. B. No. 16; An act to amend section 67 of an act entitled an act supplementary to the act defining the jurisdiction and regulating the practice of Probate Courts, passed May 1, 1854,

C. G. HAWLEY,
Chairman of Senate Committee.
D. McFARLAND,
Chairman of House Committee.

Mr. Griswold, from the Judiciary committee, reported the following:

A bill to amend the act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

Which was read the first time.

The same committee made the following report:

The Judiciary committee to whom was referred S. B. No. 21, to amend sections 490 and 491 of the Code, have had the same under consideration and report it back and recommend the striking out of all after the enacting clause, and inserting the accompanying amendments.

JOHN T. BRAZEE,
H. GRISWOLD,
STANLEY MATTHEWS,
O. P. BROWN,
E. A. SPENCER.

On motion of Mr. Brazee the bill and amendments were laid upon the table, and amendments ordered to be printed.

The same committee also made the following report:

The committee on the Judiciary have had under consideration S. B. No. 3, and report the same back with one amendment, and a majority of said committee recommended its passage.

Insert at the end of the first section the following proviso:

Provided, also that the quantity of land purchased or to be purchased for the purpose aforesaid shall not exceed one acre in each of the cities aforesaid.

H. GRISWOLD,
JOHN T. BRAZEE,
STANLEY MATTHEWS,
E. A. SPENCER.

The amendments was agreed to, and the bill ordered to be re-engrossed.

The same committee also made the following report :

The Judiciary committee to whom was referred S. B. No. 10 ; To provide for the sale of railroad and other corporations, have had the same under consideration, and now report it back, with two additional sections—Nos. 17 and 18.

JOHN T. BRAZEE,
H. GRISWOLD,
STANLEY MATTHEWS,
O. P. BROWN,
E. A. SPENCER.

The bill and amendments were laid upon the table, and the amendments ordered to be printed.

H. B. No. 21 was read the second time, and referred to the committee of the whole and made the order of the day for to-day.

H. B. No. 22 was read the second time and referred to Mr. Hamilton as a special committee of one.

Mr. Brand gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill to amend an act entitled an act to create a permanent Agricultural Fund in the State of Ohio, and for other purposes, passed February 8, 1847.

Mr. Kelley moved to take up the report of the committee of the whole on S. B. No. 41 ; Prescribing the duties of the commissioners of the sinking fund in certain cases, which was agreed to, and the report read ; and the several amendments reported, agreed to as follows :

1st. Strike out from 1st section the word "the" in the fourth line after the word "denominated" in the first section.

2d. In 1st section, 3d line after the word "responsible" insert the words "person who shall, during his continuance in office, reside in the city of New York or some" and strike out of the same line the words "or person residing or."

3d. In section 1, strike out all after the word "to" in the 13th line, and add the words "and approved by the Senate."

4th. Strike out section 2, and insert in its place the following :

"Sec. 2. Every transfer agent appointed under the provisions of this act shall hold such appointment during the pleasure of the commissioners, subject, however, to be removed by a resolution of the Senate : It shall moreover be the duty of the commissioners to remove any such agent whenever they shall believe the interest of the State requires such removal. Whenever any agent shall be removed the commissioners shall immediately appoint, with the approval of the Senate, if in session, another in his place ; but if the Senate be not in session when such appointment shall be made, the same shall be submitted to the Senate for their approval within five days after the commencement of their next session, and no agent appointed during the recess of the Senate shall hold such appointment longer than — days after the commencement of the next ensuing session, unless approved by the Senate."

5th. In section 4 line 5, add after the word "bank" the words "or banks," and after the word "institution" the words "or institutions."

6th. In section 5 line 3, strike out the word "the" before the word "bank" and insert the word "a," and to the end of the section add these words, "and shall specify the claim or debt for which payment is so made."

7th. In section 6, 7th line, insert after the word "depository" the words "or depositaries."

8th. In section 7, 3d line, strike out the word "and" after the word "habits."

9th. To the end of section 8, add these words, "in such form as the commissioners shall prescribe."

10th. In section 9, lines 3, 6, and 7, fill the first blank in 3d line with the word "first," and 2d blank in same line with the word "May," and in line 6 with the word "first" and in line 7 with the word "May."

11th. Add to the end of section 9, the words: "And the commissioners of the sinking fund shall, immediately after the appointment of a registrar, give public notice by publication in at least one newspaper published in each of the cities of New York and London, and of general circulation therein, of the requirements contained in this section."

12th. To the end of section 11, add the words, "and subscribe his name thereto."

13th. Add to the end of section 12 as follows: "The proof required by this section shall be reduced to writing and carefully preserved in the office of the Auditor of State."

14th. In section 13, line 2, fill the blank with the words, "the acting commissioner of the sinking fund;" and in line 3 strike out the word "who" and insert in lieu thereof the words "which transfer agent."

15th. In section 14, line 6, strike out the words "the amount of such interest," and insert in lieu thereof the word "thereof."

On motion of Mr. Kelley the bill was then ordered to be engrossed.

On motion of Mr. Brazee, the Senate resolved itself into the committee of the whole on the order of the day—Mr. Hamilton in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration S. B. No. 42; "prescribing the duties of the Auditor and Treasurer of State, relative to the receipt, safe-keeping and disbursement of public monies, and accounting therefor," and now reported the same back with sundry amendments.

On motion of Mr. Kelley, the bill with pending amendments, was ordered to lay upon the table.

Mr. Griswold moved to take from the table, the motion that the Senate do adhere to its amendment striking out the 14th item of House Joint Resolution providing for printing public documents,

Which was agreed to.

The question then being, shall the Senate adhere to its amendment striking out the item which provides for printing in German.

On motion of Mr. Buckland, a call of the Senate was ordered and the following Senators were found absent:

Messrs. Baird, Beatty, Bundy, Gardner, Heaton, Holmes, Lewis, Marsh, Phelps and Willford.

Mr. Holmes was excused.

The Senate then took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Hamilton, all further proceedings under the call of the Senate were dispensed with.

The question then being, shall the Senate adhere to its amendment, striking out the 14th item from the House Joint Resolution, providing for the printing of public documents.

The yeas and nays being demanded, were ordered and resulted—yeas 13, nays 17.

Those who voted in the affirmative were—

Messrs. Brzee, Buckland, Burnett, Cattell, Gardner Griswold, Kelley, Kirk, Lawder, Marsh, Spencer, Taylor of Geauga, and Taylor of Mahoning—13.

Those who voted in the negative were—

Messrs. Baird, Brand, Brown, Canfield, Converse, Hamilton, Hardy, Hawley, Heaton, Lawrence, Lewis, Lunt, Matthews, Musgrave, Phelps, Rush, and Warfel—17.

So the Senate refused to adhere to its amendment.

Mr. Converse moved that the Senate accede to the request of the House by the appointment of a second committee of Conference,

Which was agreed to.

The President appointed Messrs. Hamilton and Brand members of said committee on the part the Senate.

Mr. Brand, from the committee on railroads and turnpikes, reported a bill to enable railroad companies to fund their floating debts,

Which was read the first time.

Mr. Matthews asked and obtained leave to introduce the following bills :

S. B. No. 51 ; To amend the act entitled an act to provide for the better regulation of the common schools of the city of Cincinnati, passed January 14, 1853.

S. B. No. 52 ; To provide for the punishment of truancy,

Which were severally read the first time.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill in which the concurrence of the Senate is requested :

H. B. No. 34 ; Supplementary to an act entitled an act for the government of the Ohio Lunatic Asylum, and the care of idiots and the insane, passed March 19, 1850.

Attest :

JAS. S. ROBINSON, Clerk.

The foregoing bill was then read the first time.

Mr. Hamilton, from the committee on Public Printing, made a report in answer to the resolution of the Senate requiring information as to why the public documents have not been printed.

The report was read at the clerk's desk, and laid upon the table.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill without amendment :

S. B. No. 6 ; To amend the act entitled an act to establish a code of civil procedure, passed March 11, 1853.

Attest :

JAS. S. ROBINSON, Clerk.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the special orders of the day—Mr. Lawrence in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration, the amendments proposed by the committee on the currency, to S. B. No. 4; To amend the law concerning bills of exchange and promissory notes, and now report them back with two amendments as follows:

1st. In the 1st section and 9th line, after the word "pleading" insert the words "and prove upon the trial."

2d. Strike out the whole of section second.

The question being upon the adoption of the amendments proposed.

Mr. Lawrence moved that the bill with pending amendments be indefinitely postponed.

And the question being upon the indefinite postponement,

On call of Mr. Brazee, the yeas and nays were ordered, and resulted—yeas 12, nays 19.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Converse, Gardner, Hamilton, Hawley, Kirk, Lawrence, Marsh, Matthews, Taylor of Mahoning, and Willford—12.

Those who voted in the negative were—

Messrs. Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Griswold Hardy, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Musgrave, Phelps, Rush, Spencer, and Taylor of Geauga—19.

So the question of indefinite postponement was lost.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

THURSDAY, FEBRUARY 7, 1856.

Prayer by the Rev. Mr. Marble.

Mr. Canfield, from the select committee to whom was referred

S. B. No. 38; To authorize the judges of the court of common pleas of each judicial district to fix permanently the times for holding the courts of common pleas and district court therein,

Reported the same back with sundry amendments, which were read at the clerk's desk, and the bill and amendments laid upon the table, and amendments ordered to be printed.

Mr. Hamilton, on leave, introduced the following bill:

Providing for recording, printing, and distributing the Journals of the General Assembly, and the laws and public documents.

Which was read the first time.

Mr. Matthews moved to suspend the rules to enable him to introduce a bill, which was agreed to—whereupon Mr. Matthews introduced

A bill to provide for opening, grading, improving and repairing streets and highways through special road districts in the State of Ohio.

Which was read the first time.

S. B. No. 48, was read the second time and referred to the committee on Railroads and Turnpikes.

H. B. No. 34, was read the second time and referred to the committee of the whole and made the order of the day for to-day.

S. B. No. 3, was read the third time and ordered to lay on the table.

Mr. Brand, on leave, introduced the following :

A bill to amend the act entitled "an act to create a permanent agricultural fund in the State of Ohio, and for other purposes."

Which was read the first time.

On motion of Mr. Taylor of Mahoning, it was

Resolved, That the Sergeant-at-Arms be and he is hereby directed to provide a suitable chair for the President of the Senate.

Message from the House of Representatives.

Mr. President :

The Speaker of the House of Representatives has signed the following enrolled bills :

S. B. No. 16; To amend Sec. 67 of an act entitled "an act supplementary to the act defining the jurisdiction and regulating the practice of the probate courts," passed May 1, 1854.

S. B. No. 19; To fix and provide for holding the terms of the court of common pleas in the several counties of the first sub-division of the fifth judicial district in Ohio.

Attest :

JAMES S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills.

Mr. Brand, from the committee on Railroads and Turnpikes, reported back

S. B. No. 43; To authorize the consolidation of railroad companies in this State with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States,

With two amendments, as follows :

1st amendment.—Add at the end of Sec. 1 these words : "Provided that roads running to the bank of any river which is not bridged, shall be held to be continuous under this act.

2d amendment.—Add the following section to the bill :

"Sec. 8. That for the purpose of forming and maintaining a running connection by any two railroads terminating at any point in this State, it shall be lawful for such railroad companies to unite such roads by one or more tracks, and all existing laws touching the condemnation of rights of way, are hereby declared to extend to all such cases, as far as the same may be applicable. Provided that either of said roads may have running connection with any railroad in any adjoining State, thereby forming a continuous line."

The question being upon agreeing to the amendments, they were agreed to, and the bill ordered to be engrossed.

Mr. Heaton, from the committee on Public Benevolent Institutions, made the following report :

The committee on Public Benevolent Institutions, in compliance with the resolution of the Senate, calling upon several standing committees, whether any, and if any, what temporary appropriations are necessary to pay the liabilities of the State on account of the branch of the public service committed to such committee, ask leave to report as follows :

That they have obtained sufficient information to satisfy them that immediate temporary appropriations should be made for the benefit of the Benevolent Institutions located at Columbus, in the following proportions, viz :

For the Ohio Lunatic Asylum	\$5,000
“ “ Deaf and Dumb Asylum	3,000
“ “ Blind Asylum.....	2,300

Your committee have not yet learned what temporary appropriations, if any, are necessary for the other Benevolent Institutions in the State, but will report as soon as any satisfactory information is obtained.

DAVID HEATON,
J. D. CATTELL,
E. A. SPENCER,

Standing Committee on Public Benevolent Institutions.

The report was referred to the committee on Finance.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Mr. Hamilton, from the Conference committee appointed on Public Printing, made the following report :

The committee of Conference of the two Houses, in relation to the matter of difference between the two Houses on the Senate amendment to the joint resolution for the printing of the executive documents, whereby the Senate struck the 14th item of the resolution relating to printing one-fifth of said documents in German, have had the same under consideration, and recommend that the House recede from its disagreement to the Senate amendment, and agree to the same.

GEO. M. PARSONS,
A. P. RUSSELL,
JAMES MONROE,
House Committee.

C. S. HAMILTON,
JOS. C. BRAND,
Senate Committee.

On motion of Mr. Taylor of Mahoning, the report was accepted and the committee discharged.

Mr. Buckland moved to reconsider the vote by which S. B. No. 43 was ordered to be engrossed, which was agreed to, and the bill referred to the committee on Corporations other than Municipal.

Mr. Matthews moved to suspend the rules, to enable him to present a petition, which was agreed to.

Whereupon, Mr. Matthews presented the petition of John D. Jones, and 135 other citizens of Cincinnati, praying for the passage of

S. B. No. 31; Limiting the compensation of county officers,

Which was read at the clerk's desk, and,

On motion of Mr. Matthews, so much of the petition as refers to Senate bill No. 31, was referred to the select committee, and the remainder thereof to the standing committee on Municipal Corporations.

Mr. Phelps moved a suspension of the rules, to enable him to present a petition, which was agreed to.

Whereupon Mr. Phelps presented a petition from county surveyors of Ohio, asking a revision of the law relating to the office of county surveyors,

Which was referred to the committee on Salaries and Fees of Public Officers.

Mr. Brown, from the committee on Federal Relations, moved to suspend the rules, to enable said committee to report, which was agreed to.

Whereupon, Mr. Brown, from said committee, made the following report :

The committee on Federal Relations, to whom was referred House joint resolution with regard to Woodworth's patent, report the same back without amendment and recommend its adoption.

O. P. BROWN,
H. CANFIELD,
E. M. PHELPS.

Mr. Spencer moved to indefinitely postpone the resolution.

The question being on the indefinite postponement,

Mr. Phelps moved to lay the resolution on the table, which was agreed to.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolution, in which the concurrence of the Senate is requested :

Relative to the old quarry bridge across the Scioto river, near the Penitentiary.

Attest :

JAMES S. ROBINSON, Clerk.

On motion of Mr. Spencer, the resolution was referred to the committee on Roads and Turnpikes.

On motion of Mr. Kelley, the Senate took up

S. B. No. 42; Prescribing the duties of the Auditor and Treasurer of State, relative to the receipt, safe keeping and disbursement of public moneys, and accounting therefor.

And the question being upon the adoption of the amendments proposed in the committee of the whole, they were agreed to, as follows :

1st amendment.—In Sec. 6, line 6, after the word "shall," insert "already."

2d amendment.—In Sec. 7, line 3, strike out the word "which," and insert the word "and" in its place.

3d amendment.—In Sec. 10, line 4, insert after the word "informed," these words, "in writing."

4th amendment.—In same section and line, before the word “depository,” insert the word “proposed.”

5th amendment.—In Sec. 12, line 5, strike out the word “the,” after the word “in,” and after the word “to,” and insert in their stead the word “their,” in both places.

6th amendment.—Sec. 12, line 6, strike out the words “of the treasurer.”

7th amendment.—Sec. 15, fill the blank in the 8th line with the words “court of common pleas of Franklin county.”

8th amendment.—In Sec. 12, line 6, insert after the word “oath,” these words, “to be administered by the auditor.”

9th amendment.—Make Section 16 to be Section 18, and insert the following as Section 16 :

Sec. 16. It shall be the duty of the auditor, quarter-annually, on the fifteenth day of March, June, September and December, (or if any such day should be Sunday, then on the day previous,) to ascertain the amount of money in the treasury belonging to the sinking fund, and draw on the treasurer therefor, in favor of the acting commissioner of said fund, specifying in every such draft the source or sources from which the money so drawn for was derived.

10th amendment.—Insert the following as Section 17 :

Sec. 17. Whenever the term of office of any treasurer shall have expired, or he shall have resigned, died, or have been removed from office, he, (or in case of his death or incapacity, his legal representatives,) shall immediately make a full settlement with the auditor of, and concerning all moneys paid into and out of the treasury since the last previous settlement with the auditor of, and concerning the same, which settlement shall be so made as clearly to exhibit on what account, and for what purpose each payment, either into or out of the treasury, shall have been made, and in case of payments out of the treasury, on account of what appropriation every such payment was made ; and the auditor shall certify to the incoming treasurer the several sums to be paid over to him by the outgoing treasurer, on account of such appropriation that shall not have been fully paid, and also the sum to be paid on general account ; and the outgoing treasurer, or his legal representative, shall forthwith pay over to his successor the several sums so certified, and also deliver to him all the books, accounts, vouchers, official papers, and correspondence of whatsoever kind ; and neither the outgoing treasurer nor his sureties shall be discharged from his or their liability to the State until such settlement, payments, and delivery of books, accounts, vouchers, and other papers hereinbefore enumerated shall have been fully made.

The bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Brazee moved to take from the table the amendments proposed in committee of the whole to

S. B. No. 4; To amend the law concerning bills of exchange and promissory notes.

Which was agreed to.

And the question being on agreeing to the amendment, it was agreed to, as follows—strike out section 2.

And the question then being upon the engrossment of the bill as amended,

The yeas and nays were demanded and ordered, and resulted, yeas 17, nays 16.

Those who voted in the affirmative were—

Messrs. Brazee, Brown, Canfield, Gardner, Griswold, Hardy, Hyer, Kelley, Kirk, Lewis, Lunt, Musgrave, Phelps, Rush, Spencer, Warfel and President—17.

Those who voted in the negative were—

Messrs. Baird, Brand, Buckland, Bundy, Burnett, Cattell, Converse, Hamilton, Hawley, Heaton, Holmes, Lawrence, Marsh, Matthews, Taylor of Geauga and Taylor of Mahoning—16.

So the bill was ordered to be engrossed.

Mr. Griswold moved to take from the table

H. B. No. 6; Supplementary to an act defining the powers and duties of justices of the peace and constables in criminal cases.

Which was agreed to.

The question being upon agreeing to the following amendment, reported by the Judiciary committee, it was agreed to, as follows :

“ Provided that the provisions of this act shall not extend to the punishment of crimes or offences mentioned in an act entitled ‘ an act to punish certain crimes therein named,’ passed March 18, 1839, nor of the crimes or offences enumerated in the act entitled ‘ an act to provide for the punishment of certain crimes therein named,’ passed February 27, 1834, nor to the offence of petit larceny.”

Mr. Matthews moved further to amend the bill as follows :

“ Strike out the word ‘ required,’ in the 7th line, and insert in lieu thereof the word ‘ authorized,’ and add after the word ‘ committed,’ the following words—‘ or in his discretion to recognize such offender or offenders to appear at the next term of the proper court to answer concerning the same, as in other cases.’ ”

And the question being upon the adoption of the amendment, it was agreed to.

Mr. Brazee moved to amend the bill by adding at the close of section 1st as follows :

“ And such justice, when he pronounces final sentence, is authorized to examine witnesses to ascertain the circumstances under which the offence may have been committed.”

And the question being upon the adoption of the amendment, it was agreed to.

Mr. Lawrence moved that the bill be laid upon the table and ordered to be re-engrossed.

Upon which question the yeas and nays were demanded, and ordered, and resulted, yeas 30, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Brown Buckland, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Wilford—30.

Those who voted in the negative were—

Messrs. Brand and Marsh—2.

So the motion to lay upon the table and engross prevailed.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

FRIDAY, FEBRUARY 8, 1856.

Prayer by the Rev. Mr. Marble.

Mr. Converse presented three several petitions from citizens of Hamilton county, praying for an increase of the salaries of judges,

Which were read at the clerk's desk and referred to the committee on the Judiciary.

Mr. Warfel presented the petition of Joshua Maule and 30 other citizens of Belmont county, praying for the enactment of an efficient prohibitory liquor law,

Which was read at the clerk's desk and referred to the committee on the Evils resulting from the Traffic in Intoxicating Liquors.

Mr. Matthews presented the claim of George H. Riordan, for attendance on the supreme court as messenger,

Which was referred to the committee on Claims.

Mr. Hamilton presented the petition of members of the State Teachers' Association and other citizens, praying that the Legislature divide the State into four normal school districts, and that an appropriation be made for the support of teachers in said districts, &c.,

Which was read at the clerk's desk and referred to the committee on Common Schools and School Lands.

Mr. Willford, from the committee on Roads and Highways, to whom was referred House joint resolution requiring the State House Commissioners to remove the old quarry bridge, reported the same back and recommended its passage;

And the question being upon the passage of the resolution, it was agreed to, as follows:

Resolved, By the Senate and House of Representatives of the State of Ohio, that the New State House Commissioners be, and they are hereby authorized and required to proceed immediately to take down and remove the old quarry bridge across the Scioto river, near the Penitentiary, and to use the iron of said bridge, as far as practicable, for State House purposes, and to sell the residue, if any; and that they use the timber of said bridge as fuel in the State House or Penitentiary, or sell the same, as they may think will best promote the interest of the State, and that they pay the proceeds of any such sale or sales into the State treasury, to be placed to the credit of the State House fund.

S. B. No. 4; to amend the law concerning bills of exchange and promissory notes, was read the third time,

And the question being on its passage, the yeas and nays were ordered, and resulted—yeas 14, nays 19.

Those who voted in the affirmative were—

Messrs. Brazee, Canfield, Cattell, Gardner, Griswold, Hardy, Hyer, Kelley, Lawder, Lewis, Lunt, Phelps, Rush and Spencer—14.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Buckland, Bundy, Burnett, Converse, Hamilton, Hawley, Heaton, Holmes, Lawrence, Marsh, Matthews, Musgrave, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—19.

So the bill, not having received a constitutional majority, was lost.

S. B. No. 41; prescribing the duties of the commissioners of the sinking fund, in certain cases, was read the third time,

And the question being on its passage, the yeas and nays were ordered, and resulted—yeas 32, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—32.

So the bill, having received a constitutional majority, was passed, and the title ordered to be as aforesaid.

Mr. Taylor, of Mahoning, asked and obtained leave to introduce the following bills :

A bill to provide for the government of schools and academies, specially endowed ;

A bill to amend an act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

On motion of Mr. Gardner, it was

Resolved, That the Board of Public Works be instructed to furnish the Senate a copy of the contract leasing the National Road under provisions of an act passed May 1, 1854, authorizing said Board to lease the same.

Message from the House of Representatives.

Mr. President :

The House has receded from its disagreement to the Senate amendment to the joint resolution for the printing of the executive documents, and has agreed to the same.

Attest :

J. S. ROBINSON, Clerk.

Mr. Buckland moved to take up S. B. No. 3 ; ceding to the United States of America jurisdiction over certain lands and their appurtenances, in the cities of Toledo, Sandusky, Cleveland and Cincinnati, and exempting the same from taxation,

Which was agreed to, and the question being on the passage of the bill,

Mr. Hamilton moved that it be referred to a select committee of three ;

And the question being on referring, the yeas and nays were demanded, ordered and resulted—yeas 9, nays 24.

Those who voted in the affirmative were—

Messrs. Brown, Bundy, Cattell, Hamilton, Hardy, Hyer, Kelley, Taylor of Geauga and Taylor of Mahoning—9.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Burnett, Canfield, Gardner, Griswold, Heaton, Holmes, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Warfel and Willford—24.

So the motion to refer was lost.

The question then being on the passage of the bill,

Mr. Kelley moved to amend the bill by way of rider, as follows :

“And provided, also, that all laws of this State now in force, or which may hereafter be enacted, and which would be operative within the several parcels of territory hereby ceded, if such cession had not been made, and which do not conflict with

any law of the United States now in force or which may be hereafter enacted for the government of such parcels of territory, shall be in force within the several parcels of territory hereby ceded, to which they respectively apply as fully as if such cession of jurisdiction had not been made"—

And the question being on the adoption of the amendment, the Senate took a recess.

THREE O'CLOCK P. M.

The question being on agreeing to the amendment offered by way of rider to S. B. No. 3,

On motion of Mr. Matthews, a call of the Senate was had, and the following Senators were found absent.

Messrs. Brazee, Cattell, Hamilton, Lawrence, Marsh, Converse and Rush.

On motion of Mr. Holmes, Mr. Converse was excused.

The Sergeant-at-Arms was then dispatched for absentees.

On motion of Mr. Lewis, all further proceedings under the call were dispensed with.

The question then being on the adoption of the amendment, the yeas and nays were demanded, and ordered, and resulted, yeas 16, nays 16.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brown, Bundy, Burnett, Cattell, Hamilton, Hardy, Hyer, Kelley, Lawder, Lewis, Marsh, Taylor of Geauga, Taylor of Mahoning and Warfel—16.

Those who voted in the negative were—

Messrs. Brand, Brazee, Buckland, Canfield, Gardner, Griswold, Hawley, Heaton, Holmes, Kirk, Lunt, Matthews, Musgrave, Phelps, Spencer and Willford—16.

There being a tie vote, the President voted in the negative.

So the amendment was not adopted.

The question then being on the passage of the bill, the yeas and nays were ordered, and resulted, yeas 27, nays 5.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Burnett, Canfield, Cattell, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Warfel and Willford—27.

Those who voted in the negative were—

Messrs. Brown, Bundy, Hamilton, Kelley and Taylor of Mahoning—5.

So the bill having received a constitutional majority, was passed, and the title was ordered to be as aforesaid.

Mr. Kelley moved to suspend the constitutional rule, in order that S. B. No. 42 might be read the third time—which was agreed to, and the bill read the third time.

And the question being on its passage,

Mr. Bundy moved to recommit the bill to a select committee of three, with instructions to strike out the tenth section.

Which was disagreed to.

The question then being on the passage of the bill, the yeas and nays were ordered, and resulted, yeas 33, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—33.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed, and the title ordered to be as aforesaid.

Mr. Baird, from the committee on Municipal corporations, moved to suspend the rules, to enable said committee to report—which was agreed to.

Whereupon, Mr. Baird, from said committee, reported back S. B. No. 43, with sundry amendments,

And the question being upon the adoption of the amendments reported, they were agreed to, as follows :

1st amendment.—Sec. 2, line 26, after the word “companies,” add the following :

“And a copy of said agreement and act of consolidation duly certified by the Secretary of State, under the great seal of the State of Ohio, shall be evidence of the existence of said corporation.”

2d amendment.—Sec. 2, line 4, before the word “state,” strike out “the” and insert “this.”

3d amendment.—Sec. 3, line 5, after the word “duties,” strike out the balance of the section, and insert the following : “of the act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, and of the several acts supplementary and amendatory thereto, except as is otherwise provided by this act.”

4th amendment.—Insert the following as section 4 :

“Sec. 4. A majority of said directors shall be residents of the States through which the road of said new corporation is made, and the offices of said company shall be located at such points on the line of said road as may be deemed necessary. *Provided*, that service of process may be made upon the officers of said corporation, as is now provided in cases of companies wholly within this State.”

5th amendment.—Transfer sections 6 and 7.

6th amendment.—Strike out section 8, as reported by the standing committee on Railroads and Turnpikes, and insert in lieu thereof the following, which will be

“Sec. 9. That when two or more railroad companies, having a common terminus within the State, or at the boundary line of the State, shall deem it for the interest of said companies to be united by one or more tracks, so as to admit the uninterrupted passage of cars from one road to another, it shall be lawful for such companies to make an agreement for a connection and to unite in making any track or tracks, or in crossing the track or grounds of any other railroad company, and in erecting any depot, station, or other building necessary for such connection, and it shall be lawful for either of said companies to appropriate for the common benefit of the parties so uniting and connecting any real estate necessary to make said

connection, and for said tracks, buildings and appurtenances under any existing laws for the appropriation of property to the use of corporations."

The bill was then ordered to be engrossed.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill :

H. B. No. 29; Ascertaining the number and other facts respecting deaf and dumb, blind, insane and idiotic persons in the State of Ohio.

Attest :

JAMES S. ROBINSON, Clerk.

H. B. No. 29, was then read the first time.

Mr. Matthews gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend an act entitled an act to establish a code of civil procedure, passed March 11, 1853, and to repeal the act entitled an act regulating appeals to the district court, passed March 23, 1852.

Message from the House of Representatives.

Mr. President :

The Speaker, in the presence of the House, has signed the following enrolled bills :

H. B. No. 8; To amend the act entitled "an act to fix permanently the times for holding the courts of common pleas in the seventh judicial district," passed January 31, 1854.

H. B. No. 13; To fix and provide for holding the terms of the court of common pleas in the several counties of 2d judicial district of Ohio.

H. B. No. 25; To prescribe the times for holding the court of common pleas in the third sub-division of the fifth judicial district.

H. B. No. 27; To amend the 3d section of an act entitled an act to fix and provide permanently for holding the terms of the court of common pleas in the eighth judicial district of Ohio.

Attest :

J. S. ROBINSON, Clerk.

The President, as required by the constitution, then signed the foregoing enrolled bills :

Mr. Brazee moved to take from the table S. B. No. 10, with the amendments, which was agreed to, and the bill, with amendments was referred to the committee of the whole and made the special order of the day for to-morrow.

Mr. Buckland moved that the Senate go into executive session upon the nominations sent in by the Governor.

And the question being upon going into executive session,

Mr. Hamilton moved to lay the motion on the table, which was agreed to.

Mr. Marsh offered for adoption the following resolution :

Resolved, That a joint committee of five, on the part of the Senate, and — on the part of the House, be appointed, with instructions to inquire what amendments (if any) are required in the constitution of Ohio, and report said amendments at as early a day as practicable.

And the question being on the adoption of the resolution,

Mr. Canfield moved to lay the resolution on the table, which motion was lost.
The question then recurring on the adoption of the resolution,
On motion of Mr. Marsh, the Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

SATURDAY, JANUARY 9, 1856.

Prayer by the Rev. Mr. Marble.

Mr. Holmes presented three petitions from citizens of Hamilton county praying an increase of the salaries of judges.

The petitions were referred to the committee on the Judiciary.

Mr. Cattell, presented the petition of the Western Anti-Slavery society, praying the General Assembly to take measures for a peaceful withdrawal of the State of Ohio from the Federal Union.

The petition was read at the clerk's desk, when

Mr. Cattell moved that it be referred to the committee on Federal Relations.

Mr. Heaton moved to amend the motion to refer by adding as follows.—“With instructions to report in the most decided terms against the unwise, impolitic and insane request of the memorialists.”

A division of the question being called for, it turned on the reference.

Upon which question the yeas and nays were demanded, ordered and resulted—yeas 25, nays 9.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—25.

Those who voted in the negative were—

Messrs. Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Matthews, Phelps and Willford—9.

So the petition was referred to the committee on Federal Relations.

The question then being on the motion to amend by way of instructions.

The yeas and nays were demanded, ordered and resulted—yeas 7, nays 26, as follows :

Those who voted in the affirmative were—

Messrs. Brazee, Heaton, Holmes, Lawrence, Matthews, Phelps, and Willford—7.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—26.

So the amendment to instruct was lost.

Mr. Musgrave presented the petition of sundry citizens of Medina county, praying for an amendment of the School law,

Which was referred to committee on Common Schools and School lands.

Mr. Hamilton, select committee to whom was referred

H. B. No. 22; An act to fix and provide for holding the terms of courts of common pleas in the several counties of the third Judicial district of Ohio,

Reported the same back with sundry amendments, which were agreed to, as follows:

1st amendment—

Strike out in section one all after the words "first subdivision," and before the words "second subdivision," and insert the following:

In the county of Allen, on the first Tuesday of March, the second Tuesday of May, and the first Tuesday of October.

In the county of Hardin, on the second Tuesday of March, the third Tuesday of May, and the second Tuesday of October.

In the county of Logan, on the third Tuesday of March, the fourth Tuesday of May, and the third Tuesday of October.

In the county of Union, on the first Tuesday of April, the second Tuesday of June, and the first Tuesday of November.

In the county of Marion, on the second Tuesday of April, the third Tuesday of June, and the second Tuesday of November.

In the county of Shelby, on the fourth Tuesday of April, the first Tuesday of July, and the fourth Tuesday of November.

In the county of Auglaize, on the first Tuesday of May, the second Tuesday of July, and the second Tuesday of December.

2d amendment—

Strike out all after the words "third subdivision," and insert the following:

In the county of Wood, on the fourth Tuesday of February, the second Tuesday of June, and the second Monday of October.

In the county of Seneca, on the second Tuesday of March, the third Tuesday of June, and the fourth Monday of October.

In the county of Hancock, on the first Tuesday of April, the first Tuesday of July, and the third Tuesday of November.

In the county of Wyandott, on the third Tuesday of April, the second Tuesday of July, and the fourth Tuesday of November.

In the county of Crawford, on the fourth Tuesday of April, the third Tuesday of July, and the second Tuesday of December.

The bill was then engrossed at the clerk's desk, and read the third time, and the question being on its passage, the yeas and nays were ordered and resulted—yeas 32, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, Warfel and Willford—32.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed,

And the title ordered to be as aforesaid.

The President laid before the Senate a communication from the Board of Public Works, on the subject of leasing the National road.

The report was read at the clerk's desk, and laid upon the table and ordered to be printed.

Mr. Hyer offered for adoption, the following preamble and resolutions :

WHEREAS, The improvement of the country by the construction of railroads, and the opening thereby of vast tracts of government lands for settlement and cultivation, with the consequent increase of exports as well as imports, are objects of great national importance, and have been chiefly stimulated in the past few years by the private enterprize of railroad companies ;

AND WHEREAS, The high prices of railroad iron, and the high rate of imports levied upon it by the general government have seriously embarrassed the stock of companies constructing roads within the State of Ohio, and have impeded the progress of such enterprizes.

AND WHEREAS, The Congress of the United States have, in two several instances, by general laws refunded to the railroad companies of New England, New York, Pennsylvania, and the older states, and by numerous private acts for the benefit of particular companies, duties upon railroad iron imported into this country to the aggregate amount of more than seven millions of dollars.

AND WHEREAS, There are existing in the State of Ohio at the present time several unfinished lines of railroad, on which many millions of dollars have been expended, and are not yet completed, but are delayed and their existence put in jeopardy for the want of the comparatively small amount which would render their completion beyond a doubt.

AND WHEREAS, At the present time the duty on railroad iron does not seem to be required either for revenue or protection. Therefore,

Resolved by the General Assembly of the State of Ohio, That our Senators in Congress be instructed and our Representatives requested to use their influence in procuring the passage of an act to refund the duties on railroad iron to companies having paid them since the commencement of the fiscal year in 1853, and to remit the duties not paid, and suspend the law imposing such duties until the close of the fiscal year in 1857.

Resolved, That the Governor of this State be requested to transmit to each of the Senators and Representatives in Congress from the State of Ohio a copy of the foregoing preamble and resolution.

And the question being on the adoption of the preamble resolutions,

Mr. Hyer moved that they be referred to the committee on Railroads and Turnpikes,

Which was agreed to.

On motion of Mr. Rush, it was

Resolved, That the Sergeant-at-Arms procure a copy of Webster's unabridged Dictionary, for the use of the Senate.

H. B. No. 29, and S. B. Nos. 49 and 50, were read the second time, and referred to the committee of the whole.

S. B. No. 51, was read the second time and referred to Messrs. Matthews, Converse and Holmes, as a select committee of three.

S. B. No. 52 was read the second time and referred to the committee on Common Schools.

S. B. No. 43, was read the third time, and on motion of Mr. Spencer, was referred to Messrs. Brazee, Kelley, and Buckland, as a select committee of three.

Mr. Matthews on notice, introduced the following :

A bill to amend an act entitled "an act to establish a Code of civil procedure," passed March 11, 1853, and to repeal the act entitled "an act regulating appeals to the District court," passed March 23, 1852.

Which was read the first time.

On motion of Mr. Canfield, S. B. No. 44, was referred to the committee on Schools and Schools lands.

Mr. Brown moved that the rules be suspended to enable the committee on Federal Relations to make a report,

Which was agreed to.

Whereupon Mr. Brown from said committee made a report, which was read at the clerk's desk.

And the question being on agreeing to the report—it was adopted and ordered to be entered at length, in the Journals, as follows :

The committee on Federal Relations, to whom was referred the memorial on behalf of the Western Anti-Slavery Society, praying a dissolution of the Union, respectfully submit the following report, viz :

Your committee have given all the consideration to the subject of the memorial that its importance demands. They are free to admit that the federal government like all human governments has its imperfections, and that those who administer it are not infallible. Still your committee believe that in its principles and workings it approximates more nearly to a realization of the wants of mankind than any one that has preceded it, and much more nearly than any one that would be likely to rise upon its ruins.

Your committee take pleasure in saying that there is no considerable portion of the people of Ohio, who directly or indirectly sympathize with the purposes of the memorialists. Loyalty to the confederacy of these States and an unflinching adherence to the obligations of the federal constitution are predominating characteristics of our people. That though our people are not indifferent to the great question of human liberty, they believe that it is the part of wisdom to retain in their purity the political, religious, educational and social privileges which we now enjoy, and extend those privileges to the whole human family as fast as a due regard to the rights of all parts of the confederacy will permit. For these and a variety of reasons that might be stated, your committee, in the most decided and emphatic manner, condemn the treasonable objects of the memorialists, and ask to be discharged from the further consideration of the subject.

O. P. BROWN,
H. CANFIELD,
E. M. PHELPS.

Mr. Canfield gave notice that on Monday next or on some subsequent day, he would introduce a bill to amend, and supplementary to the act entitled "an act to prevent the adulteration of alcoholic liquors," passed May 1, 1854.

Mr. Burnett offered for adoption the following resolution :

Resolved, That the Senate go into executive session to-day immediately after recess, to receive the report of the committee on public works, to whom the nominations made by the Governor were referred, and to act on said nominations.

Pending the question of the adoption of the resolution,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on the adoption of the resolution relative to going into executive session on nominations sent in by the Governor,

Mr. Hamilton moved to strike out of the resolution all after the word "resolved," and insert the following :

That the Senate go into executive session on Wednesday next, immediately after recess, to consider the nominations heretofore made by the Governor, and referred to the committee on Public Works, and that said committee be and they are hereby instructed to report to the Senate said nominations immediately after the Senate go into executive session,

Which was agreed to.

And the question being on the adoption of the resolution as amended,

It was agreed to.

Mr. Matthews gave notice that on Monday or some subsequent day of the session he would introduce a bill to amend an act to establish the superior court of Cincinnati, passed April 7, 1854.

Mr. Taylor of Geauga, gave notice that on Monday or some subsequent day of the session he would introduce a bill making provision to protect fair grounds, and preserve order and subordination on fair days.

Mr. Marsh moved to take up the joint resolution relative to the appointment of a joint committee to report amendments to the constitution,

Which was agreed to.

And the question being on the adoption of the resolution,

The yeas and nays were demanded, ordered and resulted—yeas 21, nays 10.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Bundy, Burnett, Canfield, Cattell, Gardner, Hamilton, Hardy, Hawley, Heaton, Kelley, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, and Taylor of Geauga—21.

Those who voted in the negative were—

Messrs. Brazee, Buckland, Holmes, Kirk, Lawrence, Matthews, Phelps, Spencer, Taylor of Mahoning, and Willford—10.

So the resolution was adopted.

Mr. Cattell gave notice that on Monday or some subsequent day of the session he would introduce a bill supplementary to an act to provide for the distribution of Swan's revised statutes of Ohio, passed March 1, 1854.

Mr. Matthews moved to suspend the rules to enable him to present a petition, which was agreed to, whereupon Mr. Matthews presented the petition of Thomas J. Halley and 203 other citizens of this State, praying the passage of a law for the protection of Game in the State of Ohio.

On motion of Mr. Matthews, the petition was referred to Messrs. Heaton and Brown as a special committee of two.

Mr. Heaton moved a suspension of the rules, and for leave to introduce a bill,

Which was agreed to.

Whereupon Mr. Heaton introduced a bill to fix and provide for the terms of the district court in the counties composing the second judicial district in Ohio,

Which was read the first time.

On motion of Mr Hamilton, the Senate resolved itself into committee of the whole on the special order of the day—Mr. Matthews in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration S. B. No. 10, and had made progress therein, and asked leave to sit again,

Which was agreed to.

Mr. Kelley gave notice that on Monday next, or some subsequent day of the session, he would move to have the rules amended so that in calling the ayes and noes on any question, the names of senators only shall be called, and the number of votes given by senators in the affirmative, and also the number given in the negative shall be distinctly announced by the president to the Senate, and if the votes of senators shall be equally divided, the Lieutenant Governor, if at the time presiding, shall immediately vote on such question, and declare the result.

The Senate then adjourned.

Attest :

W. T. BASCOM. Clerk.

MONDAY, FEBRUARY 11, 1856.

Prayer by Rev. Mr Randall.

Mr. Matthews presented two petitions from citizens of Hamilton county, praying an increase of the salaries of judges,

Which were referred to the committee on the Judiciary.

Mr. Griswold presented the petition of Irad Kelley, and 127 others, praying an amendment to the law regulating proceedings in actions for forcible detainer,

Which was referred to the committee on the Judiciary.

Also, a petition from the same person, and 101 others, asking a reduction of the per centage allowed to county treasurers for collecting city taxes,

Which was referred to the committee on Retrenchment.

Mr. Heaton presented the petition of John H. Thomas, praying the passage of a more stringent liquor law,

Which was referred to the committee on the evils resulting from the sale of intoxicating liquors.

Mr. Burnett presented the petition of Samuel Jones, and 96 other citizens of Tuscarawas county, praying the State to take the slack-water canal, caused by the feeder at Trenton, and keep the same in navigable order, and collect tolls thereon,

Which was referred to the committee on Public Works.

Mr. Griswold, from the Judiciary committee, reported back S. B. No. 39, without recommendation.

The bill was then referred to Messrs. Baird and Brand as a select committee of two.

Mr. Kelley, from the Finance committee, offered for adoption the following resolution :

Resolved, That the committee on Finance be instructed to ascertain and report to the Senate the amount, character and condition of the funds in the treasury, and that for this purpose they be authorized to employ some competent accountant to assist them in making the necessary examinations.

The question being on the passage of the resolution, it was agreed to.

Mr. Spencer, from the committee on Public Works, reported back the resolution relative to the appointment of canal collectors, with the recommendation that it is inexpedient to make any change in the law, and that the resolution be indefinitely postponed.

Which report was agreed to.

Mr. Buckland, from the committee on Corporations, reported back S. B. No. 24, without recommendation.

On motion of Mr. Buckland, the bill was referred to Messrs. Baird and Brand, as a select committee of two.

Mr. Buckland, select committee, to whom was referred S. B. No. 2, reported a substitute for the same, which was read the first time as a new bill.

On motion of Mr. Buckland, S. B. No. 2 was laid upon the table.

Mr. Spencer, from the select committee to whom was referred

S. B. No. 47; To amend an act entitled "an act to fix and provide permanently for holding the terms of the courts of common pleas in the eighth judicial district of Ohio," passed February 6th, 1854,

Reported the same back and recommended its passage.

The bill was then read the third time, and the question being on its passage, the yeas and nays were ordered, and resulted, yeas 33, nays—none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—33.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed, and the title ordered to be as aforesaid.

The President laid before the Senate an invitation from a committee of the citizens of Cincinnati, to attend a celebration in that city on the 22d of February.

On motion of Mr. Matthews, the invitation was referred to a select committee of five.

The President appointed Messrs. Matthews, Converse, Holmes, Kirk and Rush.

S. B. No. 54, was read the second time and referred to the committee on Municipal Corporations.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills :

H. B. No. 38; To repeal the act entitled "an act to amend the act supplementary to the act to prevent unauthorized banking and the circulation of unauthorized bank paper," passed February 24, 1848.

H. B. No. 7; To authorize the trustees of Madison township, Franklin county, to convey a portion of school section sixteen for school house purposes.

Attest :

J. S. ROBINSON, Clerk.

The foregoing bills were then severally read the first time.

Message from the House of Representatives.

Mr. President :

The House has adopted the following joint resolution, to which the concurrence of the Senate is requested :

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be instructed to examine and adjust the claim of Harmon Kent, assignee of Kent & Brother, for compensation due him as a contractor on Sections No. 57 and 58, on the Miami canal extension, and report their conclusions to the General Assembly at its present session.

Attest :

JAMES S. ROBINSON, Clerk.

The foregoing resolution was then referred to the committee on Public Works.

Mr. Holmes, on notice, introduced

A bill to amend the act entitled "an act to amend the act prescribing the duties of supervisors, and relating to roads and highways, passed April 29, 1854, also amendatory to the act entitled 'an act to amend the act prescribing the duties of supervisors, and relating to roads and highways,'" passed April 7, 1854,

Which was read the first time.

Mr. Brazee moved to take from the table S. B. No. 13, and that it be referred to the committee of the whole and made the order of the day for to-morrow.

Which was agreed to.

Mr. Matthews, on notice, introduced

A bill to amend an act entitled "an act to establish the superior court of Cincinnati," passed April 7, 1854.

Which was read the first time.

On motion of Mr. Taylor of Geauga, it was

Resolved, That the select committee to whom was referred the bill to attach a part of Ballville township to Sandusky, be instructed to inquire into the expediency of providing by law for changing the names of towns and townships where there are several of the same name in the State, and to report by bill or amendment to the bill already reported or otherwise.

Referred to the committee on Municipal Corporations.

Mr. Phelps offered for adoption the following resolution :

Resolved, That on Tuesday next there be elected by the Senate an assistant clerk, to be called the third assistant clerk, whose duty it shall be, among others, to report the proceedings of this body daily for newspaper publication, and whose compensation shall not exceed four dollars per diem.

Mr. Canfield moved to indefinitely postpone the resolution.

And the question being on indefinite postponement, the yeas and nays were demanded, ordered, and resulted—yeas 6, nays 26.

Those who voted in the affirmative were—

Messrs. Brown, Burnett, Canfield, Gardner, Musgrave and Warfel—6.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Willford—26.

So the motion to indefinitely postpone was lost.

The question then being on the passage of the resolution,

Mr. Burnett moved to amend by adding—

“And that Senators individually pay such third assistant clerk.”

Which amendment was lost.

The question then being upon the passage of the resolution, the yeas and nays were demanded, ordered, and resulted—yeas 26, nays 7.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Phelps, Rush, Spencer, Taylor of Mahoning and Willford—26.

Those who voted in the negative were—

Messrs. Brown, Burnett, Canfield, Gardner, Musgrave, Taylor of Geauga and Warfel—7.

So the resolution was adopted.

The Senate then took a recess.

THREE O'CLOCK P. M.

Mr. Heaton presented a series of resolutions relative to the repeal of the Missouri compromise and the passage of the Nebraska bill, which,

On motion of Mr. Heaton, were laid upon the table and ordered to be printed, and made the special order for Thursday next.

On motion of Mr. Brown, it was

Resolved, That the committee on the Penitentiary be requested to examine into and ascertain whether convicts in the Ohio Penitentiary cannot, with propriety, be presented to their own family in citizen's apparel, and report by bill otherwise.

Message from the House of Representatives.

Mr. President:

The following bills have passed the House, in which the concurrence of the Senate is requested:

H. B. No. 28; Further prescribing the powers and duties of the courts of this State, and the judges thereof.

H. B. No. 30; To amend section 105 of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853.

Attest :

JAS. S. ROBINSON, Clerk.

The foregoing bills were then read the first time.

Mr. Hawley asked and obtained leave to introduce

A bill to prevent the forcible abduction of free black and mulatto persons from the State of Ohio,

Which was read the first time.

Mr. Cattell, from the committee on Benevolent Institutions, asked and obtained leave of absence for said committee this afternoon.

Mr. Kelley, from the Finance committee, reported the following bill :

A bill further to amend "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," and the several acts supplementary and amendatory thereof,

Which was read the first time.

On motion of Mr. Matthews, the rules were suspended to enable him to present a petition.

Whereupon, Mr. Matthews presented the petition of Nathaniel Foster and 23 other citizens of Ohio, praying for the passage of a law for the protection of game,

Which was referred to the select committee on that subject.

On motion of Mr. Holmes, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Rush in the chair,

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration S. B. No. 49, and now reported the same back with sundry amendments.

Also, S. B. No. 50, and now reported the same back with sundry amendments.

And the question being on agreeing to the amendments to S. B. No. 49,

The Senate adjourned.

Attest :

W. T. BASCOM, Clerk.

TUESDAY, FEBRUARY 12, 1856.

Prayer by the Rev. Mr. Randall.

Mr. Brand moved to suspend the rules in order that the Senate proceed to the election of a third assistant clerk, in accordance with the resolution passed yesterday;

Which was agreed to.

Mr. Brand nominated Samuel E. Brown.

There being no other nominations, the Senate proceeded to vote, *viz* voce to third assistant clerk.

Those who voted for Mr. Brown were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Burnett, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—30.

Those who voted against him were—none.

So Mr. Brown was declared duly elected third assistant clerk of the Senate.

Mr. Brown appeared within the bar of the Senate, took an oath to support the constitution of the United States, and of the State of Ohio, and the oath of office, administered by the President, and proceeded to the discharge of the duties of the office.

Mr. Matthews, from the majority of the select committee to whom was referred the invitation of the citizens of Cincinnati to celebrate the 22d of February, in that city, reported the following resolution :

Resolved, by the General Assembly of the State of Ohio, That the Senate and House of Representatives adjourn on Thursday morning, the 21st day of February at 11 o'clock A. M., until Monday, the 25th inst., for the purpose of attending and participating in the celebration of the approaching anniversary of the birth day of George Washington, by the citizens of Cincinnati, and that a copy of this resolution be transmitted, by the clerks of the Senate and House of Representatives, to the committee of arrangements, tendering the invitation.

Mr. Kirk, from the minority of said committee, submitted the following resolutions :

Resolved, That we return our most sincere thanks to the committee, and through them to the citizens of Cincinnati, for their inviting us to engage with them in their patriotic work.

Resolved, In view of the circumstances which surround us, and the time which an acceptance of their kind invitation must necessarily consume, we think it expedient and proper to respectfully decline their invitation, but in thus declining, it is our hope that they may have such a celebration as will do honor to their meritorious effort.

And the question being on the adoption of the majority resolution,

Mr. Taylor of Mahoning moved to amend the same by substituting therefor the resolutions of the minority report.

And the question being on agreeing to the amendment,

Mr. Hamilton moved to lay the resolution and pending amendment on the table,
Which motion was lost.

The question then being on the adoption of the amendment,

Mr. Hamilton moved to indefinitely postpone the whole subject.

Upon which question the yeas and nays were demanded, ordered, and resulted,
yeas 6, nays 25.

Those who voted in the affirmative were—

Messrs. Bundy, Burnett, Cattell, Hamilton, Hawley and Lewis—6.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Gardner, Griswold, Hardy, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lunt, Matthews, Mus-

grave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—25.

So the motion to indefinitely postpone was lost.

The question then recurring on the adoption of the amendment of the Senator from Mahoning,

The yeas and nays were demanded, ordered, and resulted, yeas 19, nays 13.

Those who voted in the affirmative were—

Messrs. Brazee, Buckland, Bundy, Burnett, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Hyer, Kirk, Lawder, Lewis, Lunt, Musgrave, Taylor of Geauga, Taylor of Mahoning and Warfel—19.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Heaton, Holmes, Kelley, Lawrence, Marsh, Matthews, Phelps, Rush, Spencer and Willford—13.

So the amendment was adopted.

The question then being on adopting the resolution as amended, it was agreed to, as follows :

Resolved, That we return our most sincere thanks to the committee, and through them to the citizens of Cincinnati, for inviting us to engage with them in their patriotic work.

Resolved, In view of the circumstances which surround us, and the time which an acceptance of their kind invitation must necessarily consume, we think it expedient and proper to respectfully decline their invitation, but in thus declining, it is our hope that they may have such a celebration as will do honor to their meritorious efforts.

Mr. Burnett moved to suspend the rules to have read a message from the House, Which was agreed to, and the following message was then read :

Message from the House of Representatives.

Mr. President :

The House has passed the following bill, in which the concurrence of the Senate is requested :

H. B. No. 39 ; To declare the first range free turnpike, in Ashtabula county, a county road, and to repeal a certain act therein named.

The House has also passed the following bill, with the sundry amendments herewith inclosed :

S. B. No. 5; To amend an act entitled an act to establish a code of civil procedure, passed March 11, 1853.

Attest :

JAMES S. ROBINSON, Clerk.

The amendments adopted by the House were read at the clerk's desk, and the bill, with pending amendments, referred to the Judiciary committee.

Mr. Brazee, from the special committee to whom S. B. No. 43 was referred, reported the same back with sundry amendments.

And on motion of Mr. Brazee, the bill, with pending amendments, were laid upon the table and the amendments ordered to be printed.

S. B. No. 55, was read the second time and referred to the committee on Agriculture.

S. B. No. 56, was read the second time and referred to the committee on Universities, Colleges and Academies.

S. B. No. 53, was read the second time and went to committee of the whole.

H. B. No. 38, was read the second time and referred to the committee on the Currency.

H. B. No. 30, was read the second time and referred to the committee on the Judiciary.

H. B. No. 28, was read the second time and referred to the committee of the whole.

H. B. No. 7, was read the second time and went to committee of the whole.

S. B. No. 57, was read the second time and referred to the committee on the Judiciary.

Mr. Baird asked and obtained leave to introduce a bill, and introduced the following :

A bill to tax banks and banking companies incorporated under the act entitled "an act to incorporate the State Bank of Ohio and other banking companies," passed February 24, 1845,

Which was read the first time.

On motion of Mr. Warfel, it was

Resolved, That the committee on Claims have power to send for persons and papers, and make full investigation of the various claims presented to them, when they shall deem the same to be necessary.

The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Hamilton, the Senate resolved itself into committee of the whole, on the orders of the day—Mr. Buckland in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration S. B. No. 13, and had made progress therein, and asked leave to sit again, which was given.

Mr. Matthews moved to reconsider the vote by which S. B. No. 43 and amendments were laid upon the table, and amendments ordered to be printed,

And the question being upon reconsideration, it was lost.

Mr. Canfield, on leave, introduced the following :

Bill to amend and supplementary to an act entitled "an act to prevent the adulteration of alcoholic liquors," passed May 1, 1854,

Which was read the first time.

Mr. Spencer moved to suspend the rules, to enable the committee on Public Works and Lands to make a report, which was agreed to,

Whereupon, Mr. Spencer, from said committee, reported back House joint resolution relative to the claim of Harmon Kent, assignee of Kent & Brother, and recommended its passage,

And the question being on the passage of the resolution, it was agreed to, as follows:

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be instructed to examine and adjust the claim of Harmon Kent, assignee of Kent & Brother, for compensation due him as a contractor on Sections No. 57 and 58, on the Miami canal extension, and report their conclusions to the General Assembly at its present session.

Mr. Kelley moved to take up the motion to amend the Rules of the Senate relative to the casting vote of the President ;

Which was agreed to.

And the question being on the adoption of the amendment offered by Mr. Kelley, it was agreed to, as follows :

In calling the ayes and noes on any question, the names of Senators only shall be called, and the number of votes given by Senators in the affirmative, and also the number given in the negative shall be distinctly announced by the President to the Senate ; and if the votes of Senators shall be equally divided, the Lieutenant Governor, if at the time presiding, shall immediately vote on such question, and declare the result.

Mr. Marsh offered for adoption the following resolutions :

1st. *Resolved, by the Senate and House of Representatives, That no bill shall be introduced after the 25th day of February inst.*

2d *Resolved, by the General Assembly of the State of Ohio, That said General Assembly adjourn on the 14th day of March next, until the first Monday of January, 1857.*

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, FEBRUARY 13, 1856.

Prayer by Rev. Mr. Randall.

Mr. Buckland presented the petition of Harmin Stewart and 23 other citizens of Erie county, praying sundry amendments to the school law ;

Which was referred to the committee on Schools and School Lands.

Mr. Musgrave presented the petition of John Coulter and 13 other citizens of Richland county, asking sundry amendments to the school law ;

Which was referred to the committee on Schools and School Lands.

Mr. Matthews presented two petitions from sundry citizens of Hamilton county, praying an increase of the salaries of Judges ;

Which was referred to the committee on the Judiciary.

Mr. Griswold, from the Judiciary committee, reported back Senate resolution, relative to furnishing copies of "Warren's Criminal Law" to justices of the peace, and asked to be discharged from any further consideration of the subject.

The report of the committee was agreed to.

The same committee reported back Senate resolution relative to increasing the fees of witnesses, and recommended that it is inexpedient to increase the same, and asked to be discharged from any further consideration of the subject ;

Which report was agreed to, and the committee discharged.

The same committee reported back S. B. No. 5, with amendments adopted by the House, and recommended that said amendments be agreed to.

And the question being upon agreeing to the amendments of the House, the vote was taken without the yeas and nays, and the amendments were agreed to ; and on a demand for the yeas and nays on the motion to agree to the House amendments to Senate bill No. 5, after the vote thereon had been taken and announced, Mr. Matthews raised the following point of order : that it was out of order to demand the yeas and nays after the vote, without the call having been made previously.

The President decided the point of order to be not well taken, and that the constitutional rule required that the yeas and nays should be taken upon the adoption of the House amendments.

Mr. Matthews appealed from the decision of the chair,

And the question being,

" Shall the decision of the chair stand as the judgment of the Senate ? "

The yeas and nays were demanded and ordered, and resulted, yeas 28, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Wilford—28.

Those who voted in the negative were—

Messrs. Matthews and Spencer—2.

So the chair was sustained in its decision.

The House amendments were then read, and the question being on their adoption,

The bill, with pending amendments, was referred to Mr. Baird as a select committee of one.

Mr. Griswold from the Judiciary committee, reported back S. B. No. 29, with amendments, and recommended that the amendments be agreed to, and the bill passed.

And the question being on the adoption of the amendments, they were agreed to, and the bill ordered to be engrossed and read a third time to-morrow.

The same committee reported back S. B. No. 34, with sundry amendments, and recommended its passage.

The amendments were agreed to, and the bill referred to the committee of the whole, and made the special order of the day for to-day.

Mr. Kelley, on notice, introduced a " bill providing for the semi-annual collection of taxes, "

Which was read the first time.

S. B. No. 61, was read the second time, and went to the committee of the whole.

S. B. No. 62, was read the second time, and referred to the committee on Municipal Corporations.

S. B. No. 59, was read the second time, and referred to Messrs. Heaton and Marsh as a select committee of two.

S. B. No. 58, was read the second time, and referred to the Judiciary committee.

S. B. No. 60; "To amend the act 'to establish the Superior Court of Cincinnati,'" passed April 7, 1854, was read the second time, when,

On motion of Mr. Matthews, the constitutional rule was suspended, and the bill was read the third time, and the question being on its passage,

The yeas and nays were ordered, and resulted, yeas 32, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—32.

Those who voted in the negative were—none

So the bill having received a constitutional majority, was passed.

The title was ordered to be as aforesaid.

H. B. No. 39; "To declare the first range free turnpike in Ashtabula county, a county road, and to repeal a certain act therein named,"

Was read the second time, when,

On motion of Mr. Taylor of Mahoning, the constitutional rule was suspended and the bill read the third time; and the question being on the passage of the bill, the yeas and nays were ordered and resulted, yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—31.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed.

The title was then ordered to be as aforesaid.

Mr. Taylor of Mahoning, asked and obtained leave to introduce the following bills:

A bill supplementary to the act entitled, "An act to incorporate the State Bank of Ohio, and other banking companies," passed February 24th, 1845,

A bill supplementary to an act entitled, "An act to authorize free banking," passed March 21, 1851.

Which were severally read the first time.

The President then laid before the Senate a communication from the Treasurer of State relative to Senate resolution requiring the Finance committee to ascertain, and report to the Senate the amount, character, and condition of the funds in the

Treasury, and authorizing said committee to employ some competent accountant to assist them in making the necessary examination.

Which communication was read, when on motion of Mr. Kelley, it was

Resolved, That the communication of the Treasurer of State, just laid before the Senate, be referred to the committee on the Judiciary, with instructions to inquire and report to the Senate, as soon as possible, whether it is competent for one branch of the Legislature to appoint a committee to examine into the condition of the Treasury.

The Senate then took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Bundy, the Senate went into executive session on nominations sent in by the Governor,

Which was agreed to.

Mr. Spencer from the Committee on Public Works and Public Lands, to whom was referred the communications of the Governor nominating one Inspector and two collectors, reported the same back without recommendation,

And the question being on agreeing to the appointments made by the Governor,

Mr. Bundy moved that the Senate do advise and consent to the appointment of Henry V. Horton, of Hamilton county, to be Inspector at Cincinnati.

The question being on agreeing to the appointment of Henry V. Horton,

The yeas and nays were ordered, and resulted, yeas 27, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Bundy, Burnett, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—27.

Those who voted in the negative were—

Messrs. Converse, Holmes, Kelley, and Matthews—4.

So the Senate advised and consented to the appointment of Henry V. Horton as Inspector.

Mr. Baird moved that the Senate do advise and consent to the appointment of William M. Green of Coshocton county, to be collector of tolls at Roscoe,

And the question being on agreeing to the appointment of William M. Green,

The yeas and nays were ordered and resulted yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Bundy, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning Warfel and Willford—31.

Those who voted in the negative were none.

So the Senate advised and consented to the appointment of William M. Green as collector of tolls.

Mr. Bundy moved that the Senate do advise and consent to the appointment of James Elliott, of Hamilton county, to be collector of tolls at Cincinnati,

And the question being on the appointment of James Elliott,

The yeas and nays were ordered, and resulted yeas 21, nays 10.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Buckland, Bundy, Burnett, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Lewis, Lunt, Marsh, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—21.

Those who voted in the negative were—

Messrs. Converse, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Matthews, Spencer and Willford—10.

So the Senate advised and consented to the appointment of James Elliott as collector of tolls.

The executive session of the Senate then closed.

Mr. Willford asked and obtained leave of absence for to-morrow.

On motion of Mr. Hamilton the Senate resolved itself into committee of the Whole on the orders of the day. Mr. Matthews in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration,

S. B. No. 10. "To provide for the sale of railroads and other corporations," with pending amendments, and now report the same back with an amendment.

Mr. Brazee moved to lay the Bill and pending amendments on the table,

Which motion was lost.

Mr. Kirk moved to indefinitely postpone the bill,

And the question being upon indefinite postponement, the yeas and nays were demanded, ordered, and resulted—yeas 24, nays 5.

Those who voted in the affirmative were—

Messrs. Brand, Buckland, Bundy, Cattell, Converse, Gardner, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

Those who voted in the negative were—

Messrs. Baird, Brazee, Burnett, Griswold and Spencer—5.

So the bill with pending amendments was indefinitely postponed.

Mr. Marsh introduced the following resolution :

Resolved by the Senate and House of Representatives, That the Auditor of State issue an order to Oliver P. Boyer, on the Treasurer of State, for three hundred and nine dollars and forty-six cents, for two tete-a-tetes and two French sofas furnished by him for the Lunatic Asylum at Dayton, upon a contract with the commissioners of said asylum,

Which was referred to the Committee on Claims.

Mr. Bundy gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to amend an act entitled "an act to incorporate the Portsmouth and Columbus Turnpike Road Company," passed February 7, 1831, and the act amendatory thereto, passed February 16, 1846.

Thursday, February 14, 1856.

Mr. Phelps asked and obtained leave to introduce the following bill:

A bill to provide for holding the terms of the District Court in the several counties of the Third Common Pleas District in the State of Ohio,

Which was read the first time.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

THURSDAY, FEBRUARY 14, 1856.

The President of the Senate being absent from the city,

Mr. Taylor, of Geauga, took the chair and called the Senate to order.

Prayer by Rev. Mr. Randall.

Mr. Heaton moved that the Senate proceed to the election, *viva voce*, of a President *pro tempore*, to preside over the deliberations of the Senate, in the absence of the constitutional presiding officer,

Which was agreed to.

Mr. Phelps nominated Mr. Taylor, of Geauga, and there being no other nominations, the Senate proceeded to vote, *viva voce*, for President *pro tempore*.

Those who voted for Mr. Taylor were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Lunt, Matthews, Phelps, Rush, Spencer, Taylor of Mahoning, and Warfel—28.

Those who voted against him were—none.

So Mr. Taylor was declared duly elected President *pro tempore* of the Senate.

Mr. Matthews presented the petition of Joseph F. Lakeman and 63 other voters of Hamilton county, praying for the passage of Senate bill No. 31, "Limiting the compensation of county officers,"

Which was referred to the special committee having in charge said bill.

Mr. Marsh presented the petition of the Teachers' Institute of Preble county, praying the passage of a law creating the office of county superintendent,

Which was referred to committee on Schools and School Lands.

Mr. Burnett presented the petition of C. A. Eckert and 37 other citizens of Tuscarawas county, asking the passage of a law for the protection of property and labor on railroads,

Which was referred to the committee on the Judiciary.

Mr. Cattell presented the petition of Joel Silver and 28 other voters of Columbiana county, praying the passage of a law for the protection of timber and improvements on school lands,

Which referred to the committee on Schools and School Lands.

Mr. Lawder presented the petition of sundry citizens of Miami county, praying the passage of a law, authorizing the commissioners of said county to issue bonds, &c.,

Which was referred to the Judiciary Committee.

Mr. Brazee, from the committee on Currency, reported back H. B. No. 38, "To repeal the act entitled an act to amend the act supplementary to the act to prevent unauthorized banking and the circulation of unauthorized bank paper," passed February 24, 1848, without amendments, and recommended its passage.

The question being on the passage of the bill,

On motion of Mr. Lawrence, it was laid on the table.

Mr. Baird, from select committee to whom was referred S. B. No. 5, "To amend an act entitled an act to establish a code of civil procedure," passed March 11, 1853, with House amendments, reported the same back and recommended the adoption of House amendments.

The question being on the adoption of House amendments, the yeas and nays were ordered, and resulted—yeas 26, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Burnett, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—26.

Those who voted in the negative were—none.

So the House amendments were concurred in.

S. B. No. 63, was read the second time, and went to committee of the whole and made the order for this day.

S. B. No. 29; "An act to enable mutual insurance companies to become joint stock companies," was read the third time, and the question being on its passage,

The yeas and nays were demanded, and resulted—yeas 29, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, and Warfel—29.

Mr. Taylor of Mahoning voted in the negative.

So the bill having received a constitutional majority, was passed.

And the title ordered to be as aforesaid.

On motion of Mr. Baird, it was

Resolved, That the standing committee on Common Schools and School Lands be instructed to inquire into the expediency of authorizing, by law, the local directors of school districts to select, appropriate, and condemn suitable sites for school houses, under such regulations as may be provided by law.

On motion of Mr. Phelps, it was

Resolved, That the committee on Corporations (other than municipal) be instructed to examine what amendments, if any, are necessary to the proviso contained in section 54 of the "act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, with leave to report by bill or otherwise.

On motion of Mr. Buckland, it was

Resolved, by the General Assembly of the State of Ohio, That the Senators and Representatives from this State in the Congress of the United States, are hereby

requested to endeavor to procure the passage of an act by Congress, granting to the soldiers of the war of 1812, their widows and orphans, the same pensions as are granted to the soldiers of the revolutionary war, their widows and orphans.

On motion of Mr. Kirk, it was

Resolved, That the committee on Public Benevolent Institutions be required to inquire and report to the Senate, at their earliest convenience, the use that has been made of the one hundred and seventy-seven gallons of brandy, two hundred and eighty four gallons of wine, eighty-four gallons of whisky, and forty-three and a half gallons of alcohol, amounting in value to eleven hundred and thirty-nine dollars and nineteen cents, furnished to the Lunatic Asylum at Columbus during the months of May and November, 1854.

Mr. Kirk offered for adoption the following resolution, which was laid upon the table :

Resolved, That the Warden of the Ohio Penitentiary be requested to communicate to the Senate, immediately, the following information specifically :

1st. Has any debt accrued to said institution prior to the 1st of January, 1856, and owed by the present or any former Warden, Deputy Warden, or Clerk, either by way of provisions furnished, work done, or money had and received, which is still unpaid.

2d. The name of any officer so indebted, the date at which the indebtedness accrued, and the amount now due, including interest.

3d. The amount of money belonging to convicts of the Ohio Penitentiary deposited with any former Warden thereof, which is still retained in the possession of said ex-Warden, so far as the same has been ascertained by, or come to the knowledge of the present head of said institution, either from the books thereof, or from any other source.

4th. The steps which have been taken to secure or enforce the payment of any such indebtedness, and the cause of non-payment.

Mr. Bundy, on notice, introduced the following :

A bill to amend an act entitled "an act to incorporate the Portsmouth and Columbus Turnpike Road Company," passed February 7, 1831, and the act amendatory thereto, passed February 16, 1846,

Which was read the first time.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill, to which the concurrence of the Senate is requested :

H. B. No. 52 ; To provide for the payment of the claim of Charles Boesel, for damages sustained by canal boat Robert Blum and cargo, by breaking in of lock No. 23, on the Miami Extension Canal, on the 6th day of October, A. D. 1850.

Attest :

J. S. ROBINSON, Clerk.

The foregoing bill was then read the first time.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 47 ; To amend an act entitled an act to fix and provide permanently for holding the terms of the court of common pleas in the eighth judicial district of Ohio, passed February 6th, 1854.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed the following Bill, in which the concurrence of the Senate is requested :

H. B. No. 1 ; To restore to the Court of Common Pleas the jurisdiction of minor offences in certain counties in this State.

Attest :

JAMES S. ROBINSON, Clerk.

The foregoing House Bill was then read the first time.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate amendments to House Bill No. 22, relative to holding the terms of court in the eighth judicial district.

The House has also concurred in Senate Joint Resolution providing for a joint committee to report amendments to the Constitution, and have filled the blank with "seven."

Attest :

J. S. ROBINSON, Clerk.

The President, *pro tem*, then appointed Messrs. Marsh, Kelley, Brazee, Phelps and Griswold, members of said committee on the part of the Senate.

Message from the House of Representatives.

Mr. President :

The House of Representatives has passed the following joint resolution, to which the concurrence of the Senate is requested.

Attest :

J. S. ROBINSON, Clerk.

Resolved, by the General Assembly of the State of Ohio, That a committee of three on the part of the House, and — on the part of the Senate, be appointed to examine all the books, accounts, vouchers, moneys, &c., of the Treasurer of State, necessary for a thorough investigation of the business of said office, at any time they may see proper, during the present session of the Legislature.

On motion of Mr. Spencer, the aforesaid joint resolution was laid on the table.

On motion of Mr. Hamilton, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Buckland in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration,

S. B. No. 13 ; To "fix the rate of interest and prevent usury," and made progress therein, and asked leave to sit again,

Which was agreed to.

The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Buckland in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration,

S. B. No. 13 ; To "fix the rate of interest and prevent usury," and had made progress therein, and asked leave to sit again,

Which was granted.

Mr. Matthews asked and obtained leave to introduce the following bill :

To amend the 16th section of an act entitled "an act relating to the organization of courts of justice, and their powers and duties," passed February 19, 1852,

Which was read the first time.

Mr. Lunt introduced the following resolution :

Resolved, by the Senate, That the Superintendents of the several Benevolent Institutions report to the Senate, as early as practicable, what amount has been paid during the last fiscal year, including all the liabilities (if any) for provisions of all kinds, including all the productions raised by the inmates, estimating such productions by the market price, and report the average number of inmates for said year, and the average number of all connected with and boarding at such institutions.

On motion, the resolution was referred to the standing committee on Benevolent Institutions, with instructions to report the same back to the Senate as soon as practicable.

Mr. Kirk moved to take from the table the resolutions requiring the Warden of the Penitentiary to furnish certain information to the Senate.

Which was agreed to.

Mr. Kirk then offered the following additional resolution on the same subject :

Resolved, That the Warden of the Ohio Penitentiary report the amount paid out during the last fiscal year for provisions of all kinds, and the liabilities (if any) for any provisions, and include all the productions raised by the convicts, whether on the grounds owned by the State, or on rented ground, estimating the value of all such productions by the market price, and how much, if any, for rent of ground, and the average number of convicts for said year ; likewise the amount paid out for clothing or raw materials to manufacture the clothing ; and, likewise, whether any of said provisions so purchased or raised, have been appropriated to the support of officers and families connected with the Penitentiary ; and if so, what rule or custom has prevailed in charging or receiving pay for such provisions so appropriated.

And the question being on agreeing to the resolution,

On motion of Mr. Matthews, the several resolutions on the same subject were referred to the committee on the Penitentiary.

Message from the House of Representatives.

Mr. President :

The House of Representatives has passed the following joint resolution, to which the concurrence of the Senate is requested, relative to the claim of James G. Culbertson.

Attest :

JAS. S. ROBINSON, Clerk.

The resolution was then referred to the committee on Public Works.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

FRIDAY, FEBRUARY 15, 1856.

Prayer by the Rev. Mr. Randall.

Mr. Musgrave presented two remonstrances from citizens of Richland county against the passage of the bill restoring jurisdiction in minor criminal offences to the courts of common pleas,

Which were severally referred to the committee on the Judiciary.

Mr. Lawder presented two petitions of sundry citizens of Miami county, praying the General Assembly to take the necessary steps to enlarge the Lewistown reservoir,

Which were read and referred to the committee on Public Works.

Mr. Marsh, from the committee on Municipal Corporations, to whom was referred S. B. No. 62, reported the same back without amendment, and recommended its passage.

The same committee, to whom was referred Senate resolution relative to the expediency of providing by law for changing the names of towns and townships when there are several of the same name in the State, reported the same back recommending its indefinite postponement.

And the question being on agreeing to the report of the committee, it was adopted, and the resolution indefinitely postponed.

Mr. Brazee, from the Judiciary committee, to which was referred a resolution of the Senate (accompanied by a communication from the Treasurer of State) instructing said committee to inquire and report to the Senate whether it is competent for one branch of the General Assembly to appoint a committee to examine into the condition of the Treasury, made the following report.

(See Appendix.)

Mr. Kelley moved that the Senate concur in the report of the committee.

And the question being on agreeing to the report, the yeas and nays were demanded, ordered, and resulted, yeas 31, nays 1.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—31.

Mr. Heaton voted in the negative.

So the Senate concurred in the report of the committee.

Mr. Matthews, from the committee on Municipal Corporations, to whom was referred S. B. No. 54, "To provide for opening, grading, improving, and repairing streets, alleys and highways through special road districts in the State of Ohio," reported the same back with one amendment, and recommended its passage,

And the question being on the amendment, it was adopted, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Musgrave, from the committee on claims, to whom was referred the joint resolution authorizing the Auditor of State to issue an order to Oliver P. Boyer, on the Treasurer of State, for three hundred and nine dollars and forty-six cents for furniture furnished the Lunatic Asylum at Dayton, made a report, which was read at the Clerk's desk, and the question being on agreeing to the report,

Those who voted in the negative were—

Messrs. Brand, Bundy, Gardner, Hamilton, Hardy, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Marsh, Musgrave, Phelps, Rush, Taylor of Mahoning, Warfel and Willford—19.

So the motion to reconsider was lost.

On motion of Mr. Marsh it was

Resolved, That the standing committee on the Judiciary be instructed to inquire into the propriety of so amending the 161st section of the act entitled "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840, so as to require the Probate Judge of each county to issue a citation against every executor, administrator or guardian at the expiration of the time required by law, or the further time allowed by the Probate Court, compelling a rendition of a proper account or a discharge from trust, and report by bill or otherwise.

On motion of Mr. Lawder, it was

Resolved, That the committee on Benevolent Institutions be instructed to inquire into the expediency of establishing a State Institution for the proper education of idiots, and report by bill or otherwise.

Mr. Buckland moved to take from the table S. B. No. 43 ;

Which was agreed to,

And the amendments reported by the special committee, to whom the bill had been referred, were adopted, and the bill committed to the committee of the whole, and made the order of the day to-day.

Mr. Heaton offered for adoption the following resolution :

Resolved, by the Senate, That Daniel Dougherty be paid at the rate of two dollars per diem for services rendered as fireman during the present session.

The question being on adopting the resolution,

Mr. Lawrence moved to amend by striking out the word "two" and inserting the word "three" in its place.

Which motion was lost.

The question then being on adopting the resolution,

It was agreed to.

Mr. Lawrence moved to suspend the rules to enable him to present a petition,

Which was agreed to.

Whereupon Mr. Lawrence presented the petition of the Mayor, Recorder and Trustees of the town of Cumberland, asking the passage of a law in relation to the collection of taxes,

Which was referred to the committee on Municipal Corporations.

Mr. Lawrence, on leave, introduced a bill supplementary to an act entitled, "An act to provide for the organization of cities and incorporated villages," passed May 3, 1852,

Which was read the first time.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

SATURDAY, FEBRUARY 16, 1856.

Prayer by the Rev. Mr. Randall.

Mr. Musgrave presented the petition of the members of the bar of Ashland county, praying the passage of a law conferring on the Probate court concurrent jurisdiction with the court of Common Pleas in cases of partition and the assignment of dower,

Which was read and referred to the Judiciary committee.

The President, *pro tempore*, presented a petition on the same subject from the members of the bar of Geauga county,

Which was referred to the Judiciary committee.

Mr. Griswold from the Judiciary committee, to whom was referred S. B. No. 57, reported the same back with sundry amendments, and recommended its passage.

The amendments were adopted, and the bill ordered to be engrossed, and read a third time on Monday next.

Mr. Brand, from the committee on Railroads and Turnpikes, to whom was referred Senate preamble and resolutions relative to the passage of a law by Congress, re-funding to railroad companies the duties on railroad iron, reported the same back, and unanimously recommended their passage,

And the question being on adopting the preamble and resolutions, Mr. Hawley moved to lay the same on the table,

Which motion was lost.

The question then being on agreeing to the preamble and resolutions, Mr. Spencer moved to amend the first resolution by striking out the words "fifty-three," and inserting in their place the word "fifty,"

Which motion was agreed to.

The question again recurring on the adoption of the preamble and resolutions, Mr. Hawley moved to amend the last paragraph of the preamble by striking out the word "either" after the word "required," and the words "or protection" after the word "revenue,"

Upon which motion, the yeas and nays were demanded, ordered, and resulted yeas 10, nays 17.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Buckland, Cattell, Gardner, Griswold, Hardy, Hawley, Marsh and Taylor of Mahoning—10.

Those who voted in the negative, were—

Messrs. Brand, Brown, Bundy, Burnett, Converse, Holmes, Hyer, Kelley, Kirk, Lewis, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Warfel and Willford—17.

So the amendment was disagreed to.

The question then recurring on the adoption of the preamble and resolution, the yeas and nays were demanded, ordered, and resulted yeas 22, nays 6.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brown, Bundy, Burnett, Cattell, Gardner, Griswold, Hyer, Kelley, Kirk, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Warfel and Willford—22.

Those who voted in the negative, were—

Messrs. Buckland, Converse, Hardy, Hawley, Holmes and Taylor of Mahoning—6.

So the preamble and resolutions were adopted.

Mr. Brand asked and obtained leave of absence for the third assistant clerk, until Monday next, at three o'clock P. M.

The Senate then took a recess.

THREE O'CLOCK P. M.

A call of the Senate had, and the following Senators found absent, viz. : Messrs. Brand, Brazee, Canfield, Gardner, Hamilton, Heaton, Lawder, Lawrence, Lewis, Lunt, Musgrave, Rush and Willford.

On motion of Mr. Griswold, all further proceedings under the call were dispensed with.

Mr. Baird from the standing committee on Retrenchment, to whom was referred the petition of Josiah Wheat and others, made a report, which was read at the Clerk's desk.

On motion of Mr. Baird, the report was agreed to, and the committee discharged.

Mr. Matthews, from the select committee to whom was referred S. B. No. 31, supplementary to, and to amend an act entitled an act requiring annual settlements by county officers, passed March 22, 1850, and to regulate the compensation of such officers, reported the same back with one amendment, which was read at the Clerk's desk, and the question being on agreeing to the amendment, the bill, with pending amendments, was laid on the table, and amendments ordered to be printed.

S. B. No. 69 ; Providing for the semi-annual collection of taxes, was read the second time, and committed to committee of the whole, and made the order for this day.

S. B. No. 70 was read the second time, and referred to Messrs. Phelps, Lunt, and Lewis as a special committee of three.

The President, pro tem., laid before the Senate a communication from the State Commissioner of Common Schools.

On motion of Mr. Converse, the communication was laid upon the table and ordered to be printed.

S. B. No. 54, An act to provide for opening, grading, improving and repairing streets, alleys, and highways through special road districts in the State of Ohio, was read a third time, and the question being on its passage, the yeas and nays were ordered, and resulted yeas 25, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brown, Buckland, Bundy, Burnett, Cattell, Converse, Griswold, Hardy, Hawley, Holmes, Hyer, Kelley, Kirk, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—25.

Those who voted in the negative, were none.

The bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House of Representatives have passed the following joint resolution, to which the concurrence of the Senate is requested. Relative to printing extra copies of State Commissioner of Common Schools' report.

Attest :

J. S. ROBINSON, Clerk.

The foregoing resolution was then referred to the committee on Public Printing.

Mr. Holmes gave notice that he would, on Munday, or some subsequent day of the present session, ask leave to introduce a bill regulating the duties and fees of County Surveyors.

Mr. Griswold, on leave, introduced the following bill :

S. B. No. 74 ; A bill to amend an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases," passed March 14, 1853.

Which was read the first time.

Mr. Spencer, on leave, introduced the following bill :

S. B. No. 75 ; A bill to amend the fifth section of an act entitled "an act to provide for compensation to the owners of private property, appropriated to the use of corporations," passed April 30, 1852,

Which was read the first time.

On motion of Mr. Marsh, the Senate resolved itself into committee of the whole, on the orders of the day. Mr. Buckland in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration S. B. No. 45, To amend the seventh section of an act entitled "an act for the prevention of certain immoral practices," passed February 17, 1831, and now reported the same back to the Senate with sundry amendments.

The amendments were severally agreed to, except the first, which was disagreed to.

Mr. Bundy moved to refer the bill to the Judiciary committee,

Which motion was lost.

Mr. Matthews moved to indefinitely postpone the bill :

Upon which question the yeas and nays were demanded, ordered, and resulted yeas 4, nays 20.

Those who voted in the affirmative, were—

Messrs. Converse, Hawley, Holmes and Matthews—4.

Those who voted in the negative, were—

Messrs. Baird, Brown, Buckland, Bundy, Burnett, Cattell, Griswold, Hardy, Hyer, Kelley, Kirk, Lewis, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—20.

So the motion to indefinitely postpone was lost.

On motion of Mr. Bundy, the bill was then referred to the committee on the Judiciary.

Monday, February 18, 1856.

Message from the House of Representatives.**Mr. President :**

The House of Representatives have passed Senate bill No. 3, as follows : " a bill ceding to the United States of America jurisdiction over certain lands and their appurtenances, in the cities of Cincinnati, Toledo, Sandusky and Cleveland, Ohio, and exempting the same from taxation.

Attest :**JAMES S. ROBINSON, Clerk.**

The Senate then adjourned.

Attest :**W. T. BASCOM, Clerk.****MONDAY, FEBRUARY 18, 1856.****Prayer by the Rev. Mr. Fraizer.**

Mr. Lewis presented the petition of G. W. Bery and 69 other citizens of Wyandot county, praying that the jurisdiction of minor criminal offences may be restored to the Court of Common Pleas in said county of Wyandot,

Which petition was referred to the committee on the Judiciary.

Mr. Bundy presented the petition of W. A. Hutchins and 9 other members of the Bar of Scioto county, praying that the jurisdiction in minor criminal offences may remain in the Probate Court of said county,

Which was referred to the committee on the Judiciary.

Mr. Canfield, from the committee on Schools and School Lands, to whom was referred S. B. No. 44, reported the same back with sundry amendments.

The Bill, with pending amendments, was referred to Messrs. Holmes, Matthews and Converse, as a select committee of three.

Mr. Taylor of Mahoning, from the committee on Universities, Colleges and Academies, reported back S. B. No. 56, "An act to provide for the government of schools and academies specially endowed,"

Which was agreed to, and the bill engrossed at the clerk's desk.

On motion of Mr. Taylor of Mahoning, the rules of the Senate were suspended, and the Bill read the third time,

And the question being shall the bill pass?

The yeas and nays were ordered, and resulted, yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Griswold, Hardy, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—27.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 71, was read the second time, and referred to the committee on Railroads and Turnpikes.

S. B. No. 72, was read the second time, and committed to the Judiciary committee.

S. B. No. 73, was read the second time, and referred to the committee on Municipal Corporations.

S. B. No. 57; An act to amend an act entitled "an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840,

Was read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted, yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Griswold, Hardy, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—27.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed.

The title was ordered to be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed H. B. No. 42, to which the concurrence of the Senate is requested.

An act to provide for the payment of the claim of David C. Doan.

Attest:

J. S. ROBINSON, Clerk.

The aforesaid bill was read the first time.

Mr. Marsh, from the committee on Municipal Corporations, on leave of the Senate, reported back the petition of the corporate authorities of the town of Cumberland, and recommended that the petitioners have leave to withdraw their petition,

Which was granted.

Mr. Lawder, on suspension of the rules, presented the petition of John G. Young and 214 other citizens of Miami county, praying the Legislature to take measures to enlarge the Lewistown Reservoir,

Which was referred to the committee on Public Works.

Mr. Lawder gave notice that he would, on to-morrow or some subsequent day of the session, introduce "a bill to authorize the Commissioners of Miami county to issue bonds to raise money to pay the debts of said county."

Mr. Cattell, on notice, introduced the following bill, which was read the first time :

S. B. No. 76; A bill supplementary to an act to provide for the distribution of Swan's Revised Statutes of Ohio, passed May 1, 1854.

Mr. Canfield, from select committee to whom was referred S. B. No. 38, reported the same back, with sundry amendments,

And the bill, with pending amendments, was referred to the committee on the Judiciary.

Mr. Taylor of Mahoning, offered for adoption the following resolution :

Resolved, That the resolutions adopted by the Senate on the 12th inst., declining the invitation of the citizens of Cincinnati, be and the same are hereby rescinded.

And the question being on the adoption of the resolution, the yeas and nays were demanded, ordered, and resulted, yeas 20, nays 8.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Canfield, Converse, Griswold Hardy, Holmes, Kelley, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, Warfel and Willford—20.

Those who voted in the negative were—

Messrs. Bundy, Burnett, Cattell, Hyer, Kirk, Lawder, Lewis and Taylor of Geauga—8.

So the resolutions were rescinded.

Mr. Taylor of Mahoning, then offered the following resolution :

Resolved, That when the Senate adjourns on Thursday next, at 11 o'clock, A. M., it adjourn until Monday, the 25th inst., at 3 P. M., for the purpose of uniting with the House of Representatives in the celebration of the anniversary of the birth-day of George Washington, on the 22d instant, in pursuance of the invitation tendered by the citizens of Cincinnati,

And the question being on the adoption of the resolution,

Mr. Brown moved to lay it on the table,

Which motion was agreed to.

On motion of Mr. Matthews, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Spencer in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration,

H. B's. Nos. 28, 34, 29 and 7. Also, S. B. No. 63, and report the same back without amendment.

Also, S. B. No. 34, and report the same back with one amendment.

Also, S. B. No. 43, and had made progress therein, and asked leave to sit again, Which was granted.

The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Matthews, S. B. No. 34, was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Hyer, the vote referring S. B. No. 45 to the Judiciary committee was reconsidered, and the bill was referred to Mr. Hyer, as a select committee of one.

On motion of Mr. Matthews, S. B. No. 63 was referred to the committee on Roads and Highways.

On motion of Mr. Marsh it was

Resolved, That the standing committee on the Judiciary be instructed to inquire into the propriety of so amending existing laws, as to give women the same rights in reference to real and personal estate upon the death of the husband, that man, by law, now has, and report by bill or otherwise.

On motion of Mr. Matthews, H. B. No. 7, was ordered to be read a third time to-morrow.

On motion of Mr. Spencer, H. B. No. 28, was referred to the Judiciary committee.

On motion of Mr. Bundy, H. B. No. 29, was referred to the committee on Benevolent Institutions.

H. B. No. 34, was ordered to be read a third time to-morrow.

Mr. Phelps moved to take from the table the resolution relative to an invitation given by the citizens of Cincinnati to attend the celebration on the 22d inst. in that city.

Which was agreed to,

And the question being on adopting the resolution,

Mr. Taylor, of Mahoning, offered the following as a substitute for the resolution :

Resolved by the General Assembly of the State of Ohio, That when the Senate and House of Representatives adjourn on Thursday next, they adjourn to Monday the 25th inst., at 3 o'clock p. m., for the purpose of joining in the celebration of the anniversary of the birth-day of George Washington, on the 22d inst., in pursuance of the invitation tendered by the citizens of Cincinnati,

And the question being on adopting the substitute,

It was agreed to.

The question then being on adopting the resolution offered as a substitute,

The yeas and nays were demanded, ordered and resulted, yeas 14, nays 11.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Converse, Hardy, Kelley, Matthews, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—14.

Those who voted in the negative, were—

Messrs. Brown, Bundy, Burnett, Gardner, Hyer, Kirk, Lawder, Lewis, Marsh, Musgrave and Taylor of Geauga—11.

So the joint resolution offered as a substitute, was adopted.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Spencer in the chair.

After sometime spent therein, the committee rose, and the chairman reported that the committee had had under consideration S. B. No. 43, and now reported the same back to the Senate with sundry amendments.

On motion of Mr. Phelps, the bill, as amended by the committee of the whole, was ordered to be printed.

On motion of Mr. Phelps, the committee of the whole was discharged from any further consideration of H. B. No. 21; and the same was referred to Messrs. Phelps, Lewis and Lunt, as a special committee of three.

Mr. Matthews gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill further to prescribe the duties of County Commissioners.

Also, a bill to fix the compensation of County Commissioners.

Also, a bill to fix the compensation of Judges of the Court of Common Pleas and of the Supreme Court.

On motion of Mr. Baird, it was

Resolved, That the Auditor of State be requested to report to the Senate at as early a day as possible, the amount of tax set off to the State by each of the Branches of the State Bank of Ohio for the year 1855; also, the amount of the capital stock paid in each of said banks.

Mr. Marsh offered for adoption the following resolution:

Resolved, That the Senate hereafter meet at half past 9 a. m. and half past 2 o'clock p. m. of each day,

Mr. Holmes moved to lay the resolution on the table;

Which was agreed to.

Mr. Matthews moved to suspend the rules to enable a select committee of three to report;

Which was agreed to,

Whereupon Mr. Matthews, of a select committee, reported back S. B. No. 51, and recommended its indefinite postponement,

Which report was agreed to, and the bill indefinitely postponed.

Mr. Spencer gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill supplementary to the act entitled, "An act for the creation and regulation of incorporated companies, in the State of Ohio," passed May 1, 1852.

Also, a bill to provide for the government of the Lunatic Asylums of the State of Ohio, and the care of the insane.

The Senate then adjourned.

Attest

W. T. BASCOM, Clerk.

TUESDAY, FEBRUARY 19, 1856.

Prayer by the Rev. Mr. Fraizer.

Mr. Matthews presented the petition of Paul Anderson and 28 other citizens of Cincinnati, praying the passage of S. B. No. 31, limiting the compensation of county officers,

Which was laid upon the table.

Also, the petition of H. B. Holmes and 115 other citizens of Ohio, praying the passage of a law for the protection of game,

Which was referred to the special committee on that subject.

Mr. Gardner presented the petition of the members of the bar of Delaware county, praying the enactment of a law conferring on the Probate Court concurrent jurisdiction with the Court of Common Pleas in the partition of real estate and the assignment of dower,

Which was referred to the committee on the Judiciary.

Mr. Lunt, from the special committee to whom was referred S. B. No. 46, reported the same back without amendment, and recommended its passage.

On motion of Mr. Spencer, the bill was committed to the committee of the whole.

Mr. Baird, from the committee on Retrenchment, to whom was referred the petition of Irad Kelley and others, reported the same back, and asked to be discharged from any further consideration of the subject.

The report was agreed to, and the committee discharged.

Mr. Lunt, from the committee on Agriculture, to whom was referred S. B. No. 55, reported the same back, with two amendments,

Which were agreed to, and the bill committed to the committee of the whole.

Mr. Griswold, from the committee on Municipal Corporations, to whom was referred S. B. No. 36, reported the same back with amendments,

And the bill and pending amendments were laid upon the table, and amendments ordered to be printed.

Mr. Brand, from committee on Railroads and Turnpikes, to whom was referred S. B. No. 40, reported the same with a view of having it referred to a select committee for amendment.

The report was agreed to, and bill referred to Mr. Warfel, as a select committee.

Mr. Matthews, from the select committee to whom was referred S. B. No. 44, and amendments proposed by the committee on Schools and School Lands, reported the same back, with one amendment, and recommended its passage.

The bill, with pending amendments, was referred to committee of the whole.

H. B. No. 42, was read the second time, and referred to the committee on Claims.

H. B. No. 7; An act to authorize the Trustees of Madison township, Franklin county, to convey a portion of School Section Sixteen for school house purposes,

Was read the third time,

And the question being, shall the bill pass? the yeas and nays were ordered, and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Buckland, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Muagrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—30.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 34, was read the third time, and recommitted to the committee on the Judiciary.

S. B. No. 34 ; An act to protect keepers of hotels, inns, and boarding houses in certain cases,

Was read the third time,

And the question being, shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 31, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Burnett, Canfield, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—31.

Mr. Gardner voted in the negative.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Hamilton, from the committee on Public Printing, to whom was referred House Joint Resolution relative to printing extra copies of the annual report of the State School Commissioner, asked a suspension of the rules to enable said committee to report,

Which was agreed to,

Whereupon Mr. Hamilton, from said committee, reported back said resolution and recommended its passage,

And the question being on the adoption of the resolution, it was adopted.

On motion of Mr. Phelps, it was

Resolved, That there be appointed a select committee of three to inquire into the expediency of establishing a Bureau of Statistics in connection with the Department of the Secretary of State.

The President, *pro tem*. appointed Messrs. Phelps, Taylor of Mahoning, and Matthews, said committee.

Mr. Matthews, in pursuance of notice, introduced the following bills, which were severally read the first time :

S. B. No. 77; A bill further to prescribe the duties of County Commissioners.

S. B. No. 78 ; A bill to amend the act to regulate the fees of officers in civil and criminal cases, passed March 5, 1831.

S. B. No. 79 ; A bill fixing the salaries of Judges of the Supreme Court and Courts of Common Pleas.

Mr. Brazee, from the committee on Railroads and Turnpikes, moved a suspension of the rules to enable said committee to report,

Which was agreed to,

Whereupon Mr. Brazee, from said committee, reported back the memorial of the Columbus and Sandusky Turnpike Company, accompanied by the following bill, and recommended its passage :

S. B. No. 80 ; A bill to adjust and settle with the Columbus and Sandusky Turnpike Company for certain property appropriated to the use of the State of Ohio.

On motion of Mr. Braze, the report and bill, and the accompanying special report of Henry Stanberry, former Attorney General, were laid upon the table and ordered to be printed.

The Senate then took a recess.

THREE O'CLOCK P. M.

Mr. Hawley, from the joint committee on Enrollment, asked and obtained a suspension of the rules to enable said committee to make a report. Whereupon Mr. Hawley, from said committee made the following report :

The joint standing committee on Enrollment report that they have examined the following bill and joint resolutions, and find the same correctly enrolled, to wit :

S. B. No. 5 ; To amend an act entitled " An act to establish a code of civil procedure," passed March 11, 1853.

S. B. No. 6 ; To amend an act entitled " An act to establish a code of civil procedure," passed March 11, 1853.

S. B. No. 11 ; To fix and provide for the terms of the District Court in the 2d circuit, composed of the 4th and 6th Common Pleas district of Ohio.

S. B. No. 47 ; To amend an act entitled " An act to fix and provide permanently for holding the terms of the Court of Common Pleas in the 8th judicial district of Ohio," passed Feb. 6, 1854.

S. J. R. No. 2 ; In relation to a joint committee to report amendments to the State Constitution.

H. B. No. 39 ; An act to declared the first range free turnpike in Ashtabula county, a county road, and to repeal a certain act therein named.

H. B. No. 22 ; To fix and provide for holding the terms of the Court of Common Pleas in the several counties of the 3d judicial district of Ohio.

H. J. R. No. — ; Relative to taking down the old Quarry Bridge near the Penitentiary, and authorizing the sale of the same.

H. J. R. No. — ; Instructing the Board of Public Works to examine and adjust the claim of Harmon Kent.

S. B. No. 3 ; Ceding to the United States of America jurisdiction over certain lands, and their appurtenances in the cities of Cincinnati, Toledo, Sandusky and Cleveland, Ohio, and exempting the same from taxation.

C. G. HAWLEY,

M. D. HARDY,

Committee of Senate on Enrollment.

D. McFARLAND,

Chairman of House Com. on Enrollment.

On motion of Mr. Hamilton, the Senate resolved itself into committee of the whole, on the order of the day—Mr. Lawder in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration Senate bill No. 64, and now reported the same back, and asked leave to sit again,

Which was agreed to.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, FEBRUARY 20, 1856.

Prayer by the Rev. Mr. Fraizer.

Mr. Phelps presented the preamble and resolutions of a meeting of the teachers and other, friends of education, held in the town of Wapakonetta, Auglaize county. Which was read, and referred to the committee on Schools and School Lands.

Mr. Brown, from the committee on the Judiciary, reported back H. B. No. 28, with sundry amendments, and recommended its passage,

And the question being on agreeing to the amendments reported, they were adopted, and the bill ordered to be read the third time to-morrow.

Mr. Matthews, from the Judiciary committee, reported back S. B. No. 72, with sundry amendments, and recommended its passage.

The question being on agreeing to the amendments, they were adopted, and the bill ordered to be engrossed and read a third time to-morrow.

The same committee reported back sundry petitions, asking the passage of a law conferring on the Probate Court concurrent jurisdiction with the Court of Common Pleas in cases of partition and assignment of dower, recommending no action in the matter, and asking to be discharged from any further consideration of the subject,

The report was agreed to, and the committee discharged.

The same committee reported back H. B. No. 1, and recommended its passage.

On motion of Mr. Spencer, the bill was referred to the committee of the whole.

The same committee, to whom was referred the petition of Wm. S. Hunter and others, praying the passage of a law prohibiting Justices of the Peace from acting as attorneys or counsel before other Justices, reported the same back without recommendation, and asked to be discharged from the further consideration of the subject.

The report was agreed to, and the committee discharged.

The same committee, to whom was referred H. B. No. 34, reported the same back with sundry amendments.

The bill and pending amendments were ordered to lie upon the table.

The same committee, to whom was referred Senate resolution instructing an in-

quiry into the propriety of so amending the 161st section of the act providing for the settlement of the estates of deceased persons, as to require Probate Judges to issue citation against administrators, &c., at the expiration of the time required by law, &c., reported the same back recommending no action on the subject, and asked to be discharged from any further consideration of the matter.

The report of the committee was agreed to, and the committee discharged.

S. B. No. 75, was read the second time, and committed to the committee of the whole.

S. B. No. 76, was read the second time and referred to the committee on Library.

Mr. Matthews moved to take from the table S. B. No. 31, with pending amendments ;

Which was agreed to.

And the bill and pending amendments committed to the committee of the whole.

Mr. Brazee, from the Judiciary committee, offered for adoption the following resolution :

Resolved, by the General Assembly of the State of Ohio, That the contract of the late Ohio Canal Fund Commissioners of the 31st December, 1845, with the Columbus Insurance Company, by which \$100,000 was deposited by said Commissioners with said Insurance Company, and the bond of Wm. Miner and others as sureties, taken for the payment thereof, be and the same is hereby affirmed.

On motion of Mr. Spencer, the resolution was laid on the table.

Mr. Lawder, on notice, introduced the following :

S. B. No. 81 ; A bill to authorize the commissioners of Miami county to issue bonds to raise money to pay the debts of said county.

Mr. Gardner moved to take from the table House Joint Resolution relative to Woodworth's Patent,

Which was agreed to.

Mr. Spencer moved to indefinitely postpone the resolution,

And the question being upon indefinite postponement, it was lost.

The question being on agreeing to the resolution, it was adopted.

Mr. Hamilton moved to take up S. B. No. 49,

Which was agreed to.

And the question being on adopting the amendments proposed by the committee of the whole, they were agreed to, and the bill ordered to be engrossed and read a third time to-morrow.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolution of the Senate :

Relative to accepting the invitation to attend the celebration of Washington's birth-day, on the 22d inst., at Cincinnati.

Attest :

J. S. ROBINSON, Clerk.

Mr. Brand moved to take up S. B. No. 50,

Which was agreed to,

And the question being on adopting the amendments proposed in committee of the whole, they were agreed to, and the bill, as amended, referred to the Judiciary committee.

Mr. Phelps, select committee, to whom was referred S. B. No. 70 and H. B. No. 21, asked a suspension of the rules, to enable him to make a report,

Which was agreed o,

Whereupon, Mr. Phelps reported H. B. No. 21 and recommended its indefinite postponement. Also, S. B. No. 70, with amendments, and recommended its passage.

The question being on the indefinite postponement of H. B. 21, it was agreed to.

The question then being on agreeing to the amendments proposed by the select committee to S. B. No. 70, they were adopted.

The bill was then engrossed and read a third time,

And the question being on its passage, the yeas and nays were ordered, and resulted—yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—31.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed.

And the title was ordered to be as follows :

“An act to provide for holding the terms of the district court in the several counties of the third common pleas district in the State of Ohio.”

Mr. Matthews moved to suspend the rules and for leave to introduce a bill,

Which was agreed to.

Whereupon, Mr. Matthews introduced the following bill, which was read the first time :

S. B. No. 82 ; Supplementary to an act entitled “an act to provide for the creation and regulation of incorporated companies in the State of Ohio,” passed May 1, 1852.

The Senate then took a recess.

THREE O'CLOCK P. M.

The President laid before the Senate a communication from the Auditor of state, in answer to Senate resolution requiring the Auditor to report the amount of tax set off to the State by each of the Branches of the State Bank of Ohio, for the year 1855. Also, the amount of capital stock paid in by each of said Banks.

The communication was read at the Clerk's desk, and referred to the committee on Finance.

On motion of Mr. Hamilton, the Senate resolved itself into committee of the whole, on the orders of the day—Mr. Lawder in the chair.

After some time spent therein, the committee rose, and the Chairman reported that the committee had had under consideration S. B. No. 64, and now reported the same back with sundry amendments,

And the question being on agreeing to the amendments proposed in committee of the whole, they were severally adopted.

The question being upon the engrossment of the bill,

Mr. Phelps offered as an amendment, that the following *proviso* be added to section 5 :

Provided that if any person shall not have an amount of credits equal to his debts, such person may deduct the same from other personal property and moneys, and if such person shall not have credits, moneys and personal property equal to his debts, the excess of such debts over his credits, personal property and moneys, may be deducted from the real estate,

And the question being on adopting the amendment,

On demand of Mr. Phelps, the yeas and nays were ordered, and resulted—yeas 3, nays 29.

Those who voted in the affirmative were—

Messrs. Lewis, Phelps, and Willfrd—3.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—29.

So the amendment was lost.

Mr. Phelps then moved to strike from section *eleven*, all after the word “taxes,” in the 8th line, and insert as follows :

“As are provided by law, to be assessed upon other property for State, county, school, bridge, road, township, corporation, and special purposes.”

A division of the question being demanded, it turned on striking out,

Upon which question the yeas and nays were demanded, ordered, and resulted—yeas 8, nays 24.

Those who voted in the affirmative were—

Messrs. Converse, Gardner, Holmes, Hyer, Lewis, Musgrave, Phelps, and Wilford—8.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—24.

So the Senate refused to strike out.

On motion of Mr. Kelley, the bill, as amended, was then recommitted to the committee on Finance.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole, on the orders of the day—Mr. Buckland in the chair.

After some time spent therein, the committee rose, and the Chairman reported that the committee had had under consideration S. B. N. 13, and had made progress therein and asked leave to sit again,

Which was granted.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills and joint resolutions, in the presence of the House :

H. J. R.; Relative to taking down the old quarry bridge near the Penitentiary, and authorizing the sale of the same.

H. J. R.; Relative to the claim of Harmon Kent.

H. B. No. 22; To fix and provide for holding the terms of the courts of common pleas in the several counties of the third judicial district of Ohio.

H. B. No. 39; To declare the First Range free Turnpike in Ashtabula county, a county road, and to repeal a certain act therein named.

S. J. R. No. 2; In relation to a joint committee to report amendments to the State constitution.

S. B. No. 3; Ceding to the United States of America jurisdiction over certain lands and their appurtenances in the cities of Cincinnati, Toledo, Sandusky and Cleveland, Ohio, and exempting the same from taxation.

S. B. No. 5; To amend an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

S. B. No. 6; To amend the act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

S. B. No. 11; To fix and provide for the terms of the district court in the second circuit, composed of the fourth and sixth common pleas districts of Ohio.

S. B. No. 47; To amend an act entitled "an act to fix and provide permanently or holding the the terms of the court of common pleas in the eighth judicial district of Ohio," passed February 6, 1854.

Attest :

JAMES S. ROBINSON, Clerk.

The President *pro tempore* of the Senate, as required by the constitution, then signed the foregoing enrolled joint resolutions and bills.

The Senate then adjourned until 9 o'clock to-morrow morning.

Attest :

W. T. BASCOM, Clerk.

THURSDAY, FEBRUARY 21, 1856.

A quorum not being present, a call of the Senate was ordered, and eighteen Senators found absent.

A quorum appearing, on motion of Mr. ———, all further proceedings under the call were dispensed with.

Mr. Lawrence presented the following petitions, which were severally ordered to lie upon the table :

From the bar of Guernsey county, praying that concurrent jurisdiction with the Court of Common Pleas may be conferred on the Probate Court in partition and dower cases.

From sundry citizens of Monroe county, praying that said county may be excepted from the provisions of the bill introduced into the Legislature for the purpose of transferring the jurisdiction of minor criminal offences from the Probate to the Court of Common Pleas.

Mr. Baird presented the petition of G. W. King and other members of the bar of Brown county, praying the passage of a law giving concurrent jurisdiction to Probate Courts in partition and dower cases ; which was ordered to lie on the table.

Mr. Mathews presented the petition of Joshua H. Bates and Washington McLean, a committee of the citizens of Cincinnati, praying for the passage of an act declaring the 22d of February a public holiday,

Which was ordered to lie upon the table.

Mr. Brand presented the petition of R. Hutchison and 101 other citizens of Madison county, praying the Board of School Examiners to be abolished, and the office of county Superintendent to be created. Also, to abolish the township Board of Education,

Which was referred to the committee on Common Schools.

Mr. Gardner presented the petition of the members of the bar of Licking county, praying that the jurisdiction in minor criminal offences, so far as said county is concerned, may not be transferred from the Probate to the Court of Common Pleas,

Which was ordered to lie upon the table.

Mr. Mathews, from the committee on the Judiciary, reported the following bill, which was read the first time :

S. B. No. 83 ; To amend the act to establish a code of civil procedure, passed March 1, 1853.

Mr. Mathews, from the same committee, reported back

S. B. No. 58 ; With one amendment, and recommended its passage.

The bill and amendments were ordered to lie upon the table, and the amendments ordered to be printed.

Mr. Brand, from the committee on Railroads and Turnpikes, reported back

S. B. No. 71 ; Without amendment, and recommended its passage.

The bill was committed to the committee of the whole, and made the order for this day.

Mr. Lawder, from the committee on Library, reported back

S. B. No. 76 ; And recommended its passage.

On motion of Mr. Spencer, the bill was laid on the table.

Mr. Brazee, from the committee on the Currency, reported back

S. B. No. 67 ; With sundry amendments, and recommended its passage.

On motion of Mr. Brazee, the bill and amendments were ordered to lie upon the table, add the amendments were ordered to be printed.

The same committee reported back

S. B. No. 68 ; With sundry amendments, and the bill and amendments were ordered to lie upon the table, and the amendments ordered to be printed.

Mr. Brown asked and obtained a suspension of the rules to enable him to present the following petitions :

From John Wheelock and 30 others, voters of Portage county, praying the passage of a land limitation bill,

Which was referred to the committee on the Judiciary.

From O. L. Drake and 30 other voters of Portage county, praying the abolishment of the poll tax, &c.,

Which was referred to the committee on Roads and Highways.

S. B. No. 74 ; Was read the second time and committed to the committee of the whole, and made the order for this day.

S. B. No. 49 ; An act to amend the act entitled "an act to establish a code of civil procedure," passed March 11, 1853, was read the third time, and the question being, shall the bill pass ?

The yeas and nays were ordered and resulted—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand Brazee, Brown, Buckland, Bundy, Converse, Gardner, Griswold, Hawley, Holmes, Hyer, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Warfel and Willford—23.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 72 ; An act to amend the 16th section of an act entitled, "an act relating to the organization of courts of justice, and their powers and duties," passed February 19, 1852,

Was read the third time, and the question being, shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 26, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Converse, Gardner, Griswold, Hardy, Hawley, Holmes, Hyer, Kelley, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Warfel and Wilford—26.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 28 ; An act further prescribing the powers and duties of the Courts of this State, and the judges thereof,

Was read the third time, and the question being, shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 25, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Warfel and Wilford—25.

Mr. Marsh voted in the negative.

So the bill having received a constitutional majority, was passed, and the title ordered to be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills, in which the concurrence of the Senate is requested :

H. B. No. 46 ; Authorizing the Governor to lay out and sell certain portions of the old Penitentiary lot in the city of Columbus.

H. B. No. 62 ; Supplementary to an act entitled an act to provide for draining and reclaiming swamp and overflowed lands granted to the State of Ohio by act of Congress approved September 28, 1850, passed March 2, 1853.

H. B. No. 65 ; To amend an act entitled an act authorizing county commissioners to grant further time for the completion of free turnpike roads, and paying for the same.

Attest :

JAMES S. ROBINSON, Clerk.

The foregoing bills were then severally read the first time.

Mr. Phelps, on leave, introduced the following bill, which was read the first time :

S. B. No. 84 ; To provide for the registration of births, deaths and marriages in Ohio.

Mr. Marsh offered for adoption the following resolution :

Resolved, That the standing committee on the Militia be instructed at an early period to inquire what law or laws in reference to the militia is or are now in force, and with authority, if necessary, to send for persons and papers,

And the question being on its adoption, it was lost.

On motion of Mr. Baird, it was

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so changing section 3d of the "act regulating the jurisdiction and procedure before justices of the peace, and the duties of constables in civil courts," as to compel a householder or freeholder in any county to answer any summons issued against him by a justice in a civil matter, in any township of such county other than the one where he shall reside.

Mr. Heaton offered for adoption the following resolution :

Resolved, That the committee on the Judiciary be requested to present a bill, as soon as convenient, amending the act entitled "an act privileging certain persons from arrest and imprisonment," so as to commemorate the 22d of February by preventing arrests in civil cases, as well as Sunday, the first day of the week, and the 4th day of July.

On motion of Mr. Braze, the resolution was laid upon the table.

Mr. Kelley offered for adoption the following preamble and resolution :

WHEREAS, The committee on Finance, who were instructed by a resolution of the Senate to examine into the condition of the Treasury, have been informed by the Treasurer of State that the books, accounts, and records of his office do not enable him to give to the committee certain information deemed by them necessary

Tuesday, February 26, 1856.

to enable them to complete the examination which they are instructed to make: therefore,

Resolved, That the above named committee be, and they are hereby authorized, for the purpose aforesaid, to send for and examine persons and papers.

And the question being on agreeing to the preamble and resolution, they were adopted.

On motion of Mr. Brazee, it was

Resolved, That the Board of Public Works be, and they are hereby requested to report to the Senate whether the length of canal bridges, as now required by law, may be reduced without injury to the public service, and if so, to what extent.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

MONDAY, FEBRUARY 25, 1856.

Prayer by the Rev. Mr. Allen.

On motion of Mr. Lawrence, a call of the Senate was had, and the following Senators found absent, viz :

Messrs. Brand, Brazee, Burnett, Cattell, Converse, Hawley, Holmes, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, and Willford.

A quorum not being present, the Sergeant-at-Arms was dispatched after absentees.

On motion of Mr. Lawrence, the Senate adjourned.

Attest :

W. T. BASCOM, Clerk.

TUESDAY, FEBRUARY 26, 1856.

Prayer by the Rev. Mr. Allen.

Mr. Lawrence presented a petition from the members of the bar of Monroe county, asking that concurrent jurisdiction with the Court of Common Pleas may be conferred on the Probate Court in partition and dower cases,

Which was ordered to lie upon the table.

Also, a petition from citizens of Noble county, praying the passage of a law submitting to a vote of the county the question of abolishing said county, and restoring the territory to the counties from which it originally came,

Which was referred to the committee on New Counties.

Mr. Matthews presented the petition of James Ross and 34 other citizens of Ohio, praying the passage of a law restraining persons from allowing their cattle to run at large,

Which was referred to the committee on Agriculture.

Mr. Canfield presented the petition of Wm. Given and 14 other members of the bar of Wayne county, praying that concurrent jurisdiction in cases of partition and assignment of dower may be conferred upon Probate Courts,

Which was referred to the Judiciary committee.

Mr. Lunt presented the petition of R. C. Daniels and 40 other citizens of Toledo praying certain amendments to be made to the act for the organization of cities, &c.

Which was referred to the committee on Municipal Corporations.

Mr. Brown presented three several petitions from citizens of Summit county, praying the passage of a law providing for the payment of taxes designed for the repairs of roads or the construction of bridges, in money,

Which were severally referred to the committee on Roads and Highways.

Also, the resolutions of the Portage county Temperance Alliance, adopted at a meeting held on the first Thursday of February, 1856,

Which were referred to the committee on Temperance.

Mr. Bundy presented the petition of the members of the bar of Jackson county, praying that concurrent jurisdiction may be conferred on the Probate Court in cases of partition and assignment of dower,

Which was ordered to lie upon the table.

Mr. Willford presented five several remonstrances against the passage of the Maine Temperance Law, from persons as follows: From William Douley and 29 others; from Alexander Zeitler and 64 others; from George Porter and 33 others; from Samuel Fry and 148 others, and from Samuel Snyder and 22 others; all representing themselves as citizens of Wayne county.

The following House Bills were severally read the second time, and committed to the committee of the whole and made the order for this day, viz:

H. B's. Nos. 46, 65 and 62.

Also, Senate Bills No. 80, No. 81, and No. 77, were severally read the second time, and committed to the committee of the whole, and made the order for this day.

Mr. Griswold moved to suspend the rules to enable him to introduce a bill,

Which was agreed to.

Whereupon Mr. Griswold introduced

S. B. No. 85; "A bill in relation to conveyances and devises of property for religious purposes,"

Which was read the first time.

S. B. No. 82, was read the second time, and referred to Messrs. Matthews, Bundy, Baird, Taylor of Mahoning, and Spencer, as a select committee of five.

Mr. Heaton offered for adoption the following resolution:

Resolved, by the Senate and House of Representatives of the State of Ohio, That the Joint Resolution (which passed the Senate on the 16th of February, 1856) requesting our Senators and Representatives in Congress to use their influence and vote for refunding to Railroad Companies the duties on Railroad Iron therein specified, be, and the same is hereby rescinded.

And the question being on the adoption of the resolution,

On motion of Mr. Heaton, it was laid upon the table.

On motion of Mr. Lawder, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Beatty in the chair.

After some time spent therein, the committee rose, and the chairmain reported that the committee had had under consideration,

S. B. No. 74, and reported the same back, with one amendment; which was agreed to by the Senate, and the bill ordered to be engrossed and read a third time to-morrow.

Also, the chairman reported back the following bills without amendment, which were severally committed as follows :

S. B. No. 71, to the Judiciary committee.

S. B. No. 65, to the committee on Finance.

S. B. No. 75, to Messrs. Spencer and Lawrence, as a special committee.

Two several communications were received from the Governor, by the hands of L. L. Rice, Private Secretary, and were laid upon the table.

Mr. Warfel asked and obtained a suspension of the rules, and presented the report of the Commissioners of Belmont county, on the condition of the National Road,

Which was referred to the committee on Public Works.

Mr. Hamilton, on leave, introduced the following bill :

S. B. No. 86 ; A bill to amend the fifteenth section of the act entitled "an act to regulate the fees of officers in civil and criminal cases," passed March 5, 1831,

Which was read the first time.

Mr. Canfield, on leave, presented the following bill, which was read the first time :

S. B. No. 87 ; A bill to authorize Railroad Companies to appoint a Vice President, and to define his duties.

Mr. Kirk moved that the Senate go into Executive Session,

Which was agreed to.

On motion of Mr. Rush, the communications of the Governor, appointing Arthur Wiley and Solomon C. Beckwith, Collectors of Tolls, were taken from the table, and read at the Clerk's desk.

Mr. Kirk moved that the Senate do advise and consent to the appointment of Solomon C. Beckwith, of Morgan county, to be [Collector of Tolls at McConnellsville;

The question being on agreeing to the appointment of Solomon C. Beckwith, the yeas and nays were ordered, and resulted—yeas 26, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lunt, Matthews, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—26.

Mr. Willford voted in the negative—1.

So the Senate advised and consented to the appointment of Solomon C. Beckwith, as Collector of Tolls.

Mr. Baird moved that the Senate advise and consent to the appointment of Arthur Wiley, of Washington county, to be Collector of Tolls at Harmar.

The question being on agreeing to the appointment of Arthur Wiley, the yeas and nays were ordered, and resulted—yeas 27, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lunt, Matthews, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—27.

Mr. Willford voted in the negative.

So the Senate advised and consented to the appointment of Arthur Wiley as Collector of Tolls.

The business for which the Senate went into executive session, having been concluded, the session closed.

Mr. Spencer asked and obtained leave of absence for Mr. Brazee, until tomorrow.

The Senate then took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Hamilton, the Senate resolved itself into committee of the whole, on the orders of the day—Mr. Canfield in the Chair.

After some time spent therein, the committee rose, and the Chairman reported that the committee had had under consideration S. B. No. 53, and reported the same back with sundry amendments.

The amendments were agreed to, and the bill, as amended, was recommitted to the committee on Public Printing.

Also, amendments to S. B. No. 31, which the committee had under consideration and made progress therein, and asked leave to sit again,

Which was agreed to.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill, in which the concurrence of the Senate is requested :

H. B. No. 67 ; To repeal section three of an act to incorporate certain towns therein named, passed March 19, 1850. Also, to repeal an act entitled an act in relation to common schools, in the town of Attica, Seneca county.

The foregoing bill was then read the first time.

Message from the House of Representatives.

Mr. President :

The House has passed House Joint Resolution relative to furnishing Hardin county with weights and measures, in which the concurrence of the Senate is requested.

Attest :

J. S. ROBINSON, Clerk.

The question then being on agreeing to the aforesaid resolution, it was adopted.

Mr. Matthews asked and obtained leave to introduce the following bill ; which was read the first time :

S. B. No. 88 ; Supplementary to an act to confirm the charter of the Covington and Cincinnati Bridge Company, incorporated by an act of the General Assembly of the State of Kentucky, passed February 17, 1846, with certain limitations, passed March 9th, 1849.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, FEBRUARY 27, 1856.

Prayer by Rev. Mr. Allen.

Mr. Hawley presented the petition of sundry citizens of Lawrence county, praying for the passage of an act amendatory of the 46th section, title 4th of the Code of Civil Procedure,

Which was ordered to lie upon the table.

Mr. Warfel presented the petition of the members of the bar of Belmont county, asking that said county may be exempted from the provisions of the bill to restore to the court of common pleas jurisdiction in minor offenses,

Which was ordered to lie upon the table.

Mr. Rush presented the petition of Stephen Evans and 20 other citizens of Clinton county, praying an amendment of the school law, requiring County Auditors to apportion the school funds, instead of the School Board of Education,

Which was referred to the committee on Schools and School Lands.

Also, the petition of members of the bar of Fayette county, asking concurrent jurisdiction in partition and dower cases to be conferred on probate courts.

Ordered to lie upon the table.

Mr. Phelps presented the petition C. C. Marshall and 47 other citizens of Allen county, asking the passage of a law more effectually to protect timber,

Which was referred to the Judiciary committee.

Mr. Marsh presented the petition of James B. Finley and 107 other citizens of Preble county, praying sundry amendments to the school law,

Which was read at the Clerk's desk and referred to the committee on Schools and School Lands.

Mr. Hamilton, from the committee on Public Printing, reported back S. B. No. 53, with two amendments,

Which were severally adopted, and the bill ordered to be engrossed and read the third time to-morrow.

Mr. Phelps, from the committee on Public Works, to whom was referred House Joint Resolution relative to the claim of James G. Culbertson, reported the same back and recommended its passage.

And the question being on the adoption of the resolution, the yeas and nays were demanded, ordered, and resulted—yeas 23, nays 6.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Buckland, Burnett, Canfield, Cattell, Gardner, Heaton, Holmes, Kirk, Lawder, Lawrence, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Willford—23.

Those who voted in the negative were—

Messrs. Brown, Converse, Hamilton, Hardy, Hyer, and Warfel—6.

So the resolution was adopted.

Senate bills No. 78 and 79, and House bill No. 57, were severally read the second time, and committed to the committee of the whole, and made the order for this day.

S. B. No. 74 ; An act to amend an act entitled “an act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil cases,” passed March 14th, 1853, was read the third time ; and the question being on the passage of the bill,

The yeas and nays were ordered, and resulted—yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—31.

Those who voted in the negative were—none

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Brown, on leave introduced the following bill :

S. B. No. 89 ; Supplementary to the act entitled “an act to amend the several acts incorporating mutual fire insurance companies in the State of Ohio,” passed March 27, 1841,

Which was read the first time.

Mr. Phelps, on leave, introduced the following bill ; which was read the first time :

S. B. No. 90; To provide for the punishment of certain offenses therein named.

Mr. Griswold, on leave, introduced the following bill :

S. B. No. 91 ; A bill in relation to common schools.

Which was read the first time.

Mr. Lawder moved to take from the table

S. B. No. 76 ; An act to provide for the distribution of Swan's Revised Statutes of Ohio, passed on the first day of May, 1854 ;

Which was agreed to.

And the question being, shall the bill pass ?

Mr. Canfield moved that the bill be referred to a select committee of two, with instructions to report the number necessary to supply the distribution contemplated by this bill.

A division of the question being called for, it turned on the reference ;
Which question was lost.

The question recurring on the passage of the bill, the yeas and nays were demanded, ordered, and resulted, yeas 18, nays 13.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Buckland, Burnett, Cattell, Hamilton, Hardy, Hawley, Heaton, Holmes, Lawder, Lawrence, Marsh, Matthews, Musgrave, Phelps, Rush, and Taylor of Geauga—18.

Those who voted in the negative were—

Messrs. Baird, Brown, Bundy, Canfield, Converse, Gardner, Griswold, Hyer, Kirk, Lunt, Spencer, Taylor of Mahoning and Warfel—13.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Marsh moved a reconsideration of the vote on the passage of Senate bill No. 76.

And the question being on reconsideration,

Mr. Marsh moved to lay the motion to reconsider on the table ;

Which was lost.

The question on reconsideration recurring, the yeas and nays were demanded, ordered, and resulted, yeas 12, nays 20.

Those who voted in the affirmative, were—

Messrs. Baird, Brown, Bundy, Canfield, Converse, Gardner, Griswold, Kirk, Marsh, Spencer, Taylor of Mahoning and Warfel—12.

Those who voted in the negative, were—

Messrs. Beatty, Brand, Buckland, Burnett, Cattell, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Lawder, Lawrence, Lunt, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga and Willford—20.

So the motion to reconsider was lost.

The Senate then took a recess.

THREE O'CLOCK P. M.

Mr. Holmes asked and obtained leave to introduce the following bill ; which was read the first time :

S. B. No. 92 ; To establish permanently the office of County Surveyor, and amendatory to the act entitled " An act creating the office of County Surveyor, and defining his duties, and regulating his fees," passed March 3d, 1831.

Mr. Heaton, on leave, introduced the following bill ; which was read the first time :

S. B. No. 93 ; A bill to establish a court of claims against the State of Ohio.

Mr. Brand, on leave, introduced the following bill ; which was read the first time :

S. B. No. 94 ; A bill to regulate the running of railroads.

Mr. Spencer, in pursuance of notice, introduced the following bill ; which was ordered to be printed :

S. B. No. 95 ; A bill to provide for the government of the Lunatic Asylums of the State of Ohio, and the care of the insane.

On motion of Mr. Hardy, the Senate resolved itself into the committee of the whole on the orders of the day—Mr. Canfield in the chair.

After some time spent therein, the committee arose, and the chairman reported that the committee had had under consideration amendments to Senate bill No. 31, and report the same back with one amendment.

On motion of Mr. Lawder, the bill and pending amendments were referred to the select committee having the bill in charge.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

THURSDAY, FEBRUARY 28, 1856.

Prayer by the Rev. Mr. Allen.

Mr. Kirk presented the remonstrance of sundry citizens of Knox county against the repeal or essential modification of the present school law of the State ;

Which was referred to the committee on Schools and School Lands.

Mr. Spencer presented the memorial of the directors of the Zanesville and Maysville Turnpike Road Company, praying that so much of the act of March 20, 1851, as requires the company to complete ten miles of said road named, be repealed, and that the present company be exonerated from the burden thereof.

The memorial was read at the clerk's desk, and referred to the committee on Railroads and Turnpikes.

Mr. Lewis presented the petition of the members of the bar of Wyandot county, asking that concurrent jurisdiction in partition and dower cases be conferred upon the Probate Court ;

Which was laid upon the table.

Also, the remonstrance of David Kerr and 24 other citizens of Crawford county, against the repeal or modification of the present school law ;

Which was referred to the committee on Common Schools.

Mr. Cattell presented the petition of J. P. Hale and 39 other citizens of Columbiana county, on the same subject ;

Which was referred to the same committee.

Mr. Brand, from the committee on Railroads and Turnpikes, reported back S. B. No. 48, and recommended its indefinite postponement.

On motion of Mr. Taylor of Mahoning, the committee was discharged, and the bill committed to the committee of the whole.

S. B's. Nos. 83, 86, 87 and 88, were severally read the second time, and committed to the committee of the whole, and made the order for this day.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolution relative to the distribution and printing of the reports of the Board of Agriculture.

Attest :

JAS. S. ROBINSON, Clerk.

On motion of Mr. Hamilton, the resolution was referred to the committee on Public Printing.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill, to which the concurrence of the Senate is requested. :

H. B. No. 78 ; Making appropriations to pay the indebtedness of the Benevolent Institutions, and for other purposes.

Attest :

JAS. S. ROBINSON, Clerk.

The foregoing House bill was then read the first time.

On motion of Mr. Baird, it was

Resolved, That A. M. Gangewer be admitted within the bar of the Senate as a reporter for the Ohio Columbian.

On motion of Mr. Hamilton, it was

Resolved, That the Auditor of State be required to report forthwith to the Senate the number of white male inhabitants of the counties of this State, as returned to the Auditor's office for the year 1855.

On motion of Mr. Brazee, the following joint resolution was adopted :

Resolved, by the General Assembly of the State of Ohio, That both branches of the General Assembly will meet on this day (the 28th February, 1856) in joint convention in the Hall of the House of Representatives, at three o'clock P. M., for the purpose of electing a Senator of the United States, to serve for the constitutional term, which will commence on the 4th March, 1857.

Mr. Brazee offered for adoption the following resolution :

Resolved, That the standing committee on Public Buildings be, and they are hereby instructed to inquire into the expediency—

1st. Of raising a commission of skillful architects to determine upon the various issues existing between the present and the former architects of the State House, and to procure the advice of said commission touching the most appropriate mode of internal finish for said building.

2d. Of instructing the State House Commissioners to discharge all persons employed about the State House, and to make no further contract or expenditure tending to the completion of the same until the further pleasure of the General Assembly shall be made known in the premises.

On motion of Mr. Taylor of Geauga, the resolution was temporarily laid on the table.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Message from the House of Representatives.

Mr. President :

The House has passed Senate joint resolution in relation to Joint Convention for for election of United States Senator.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The Hall of the House of Representatives is now ready to receive your honorable body to go into an election of a United States Senator.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Brown, it was

Resolved, That the Senate now proceed to the Hall of the House of Representatives for the election of United States Senator.

The Senate, preceded by its officers, then repaired to the Hall of the House of Representatives ; and being seated therein,

A call of the Senate was ordered, and Mr. Griswold was found to be absent.

A call of the House was then ordered, and Messrs. — were ascertained to be absent.

A quorum of each branch being present, the President of the Senate, as presiding officer of the Joint Convention, then announced that the two Houses had met in pursuance of a joint resolution to that effect, to elect one United States Senator, to supply the place of Benjamin F. Wade, from and after the 4th day of March, 1857.

Mr. Brown, of the Senate, nominated Benjamin F. Wade.

Mr. Sawyer, of the House, nominated David Tod.

Mr. Hutcheson, of the House, nominated Henry Stanbery.

There being no other nominations made, the roll of the Senate was then called and the roll of the House was then called.

The President of the Senate then announced the vote of Senators, as follows :

The Senators who voted for Benjamin F. Wade were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—28.

The Senators who voted for David Tod were—

Messrs. Converse, Holmes, Lawrence, Matthews, Phelps, and Willford—6.

The Speaker of the House announced the vote of the members of that body, as follows :

The members of the House who voted for Benjamin F. Wade were—

Messrs. Allen, Bunker, Bell, Boyer, Burns, Blair, Brayton, Blakeslee, Burton, Cable, Clark of Gallia, Clark of Harrison, Campbell, Crooks, Cadwell, Cook, Cowan of Shelby, Dooley, Franklin, Gabriel, Giffin, Guthrie, Gatch, Games, Hains, Hendren, Hatcher, Hawkins, Hutchinson of Washington, Holbrook, Hunter, Hume,

Irion, Jewett, Johnson of Cuyahoga, Lawton, Latham, Littler, Mendenhall of Jefferson, Mendenhall of Columbiana, McCurdy, Monroe, Mygatt, Needham, Parsons, Plumb, Potts, Plympton, Peck, Post, Rogers, Russell, Ricker, Sinnet, Smith of Knox, Simmons, Shepherd, Spelman, True, Townsend, Tenney, Turner, Tod, Thompson of Coshocton, Thompson of Meigs, Underhill, Upham, West, Weatherby, Williamson, Yapple, and Speaker—72.

The Representatives who voted for David Tod were—

Messrs. Anderson, Baughman, Boehmer, Bingham, Carlin, Corry, Cowan of Ashland, Chaney, Egly, Goudy, Grier, Holmes, Johnson of Hocking, Langdon, Lyle, Loveland, McElwee, Miller, Odell, Pittman, Robinson, Ralston, Sawyer, Shaw, Slough, Smith of Montgomery, Smith of Franklin, Thomas, Thompson of Brown, and Turpin—30.

Mr. Hutcheson of Madison, voted for Henry Stanbery.

Mr. Flowers voted blank.

The President of the Senate then announced the vote of the members of the two Houses, as follows :

One hundred and forty votes were cast, of which

Benjamin F. Wade received	102
David Tod received.....	36
Henry Stanbery received.....	1
Blank.....	1

The President of the Senate then, in presence of the two Houses, declared that Benjamin F. Wade, having received the vote of a majority of the members of the General Assembly, was duly elected a Senator of the United States, for the constitutional term of six years, from and after the 4th day of March, A. D. 1857.

The business of the Joint Convention having been concluded,

The Senators retired to their chamber, and being seated therein,

Mr. Brazee moved to take from the table the resolution of the Senate instructing the committee on Public Buildings to make certain inquiries relative to the State House,

Which was agreed to, and the question being on the adoption of the resolution,

Mr. Matthews moved to strike out the second subject of inquiry from the same.

Upon which question the yeas and nays were demanded, ordered and resulted—yeas 7, nays 27.

Those who voted in the affirmative were—

Messrs. Converse, Gardner, Holmes, Lawrence, Matthews, Phelps and Willford—7.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—27.

So the motion to strike out was lost.

The question then recurring on the adoption of the resolution,

Mr. Lawrence moved to strike from the resolution the first item of inquiry.

Which motion was lost.

The question again recurring on the adoption of the resolution.

The yeas and nays were demanded, ordered and resulted—yeas 27, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Girlsword, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—27.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence, Matthews, Phelps and Willford—6.

So the resolution was adopted.

On motion of Mr. Spencer, it was

Resolved, That the committee on Printing be instructed to inquire into the expediency of repealing the law now in force authorizing the publication of the general laws in the newspapers of the State, and of so amending the law providing for the publication of the laws, as to require that all general and local laws shall be printed, bound and ready for distribution within thirty days after the adjournment of each session of the legislature, and that said committee be requested to report the cost to the State and counties of printing the laws in newspapers under the provisions of any law now in force.

Mr. Matthews, on leave, introduced the following bill, which was read the first time :

S. B. No. 97; A bill in addition to the act of February 19, 1810, entitled "an act for the prevention of frauds and perjuries."

On motion of Mr. Kelley, it was

Resolved, That the Commissioners of the State House be required to report forthwith to the Senate the authority under which contracts for work and materials to complete the New State House, as reported by them, beyond the sum of the appropriations made by law were made: and further, that they also report how far work has been actually done, or materials actually delivered on each of such contracts for which payment has not been made.

Mr. Willford asked and obtained leave of absence until Tuesday next.

On motion of Mr. Kelley, it was

Resolved, That the committee on the Judiciary be instructed to inquire and report to the Senate at as early a day as practicable, whether any officer or agent of the State intrusted with the construction, keeping in repair or conducting any public work or institution requiring the expenditure of public money, may lawfully make contracts binding the State to make payments beyond the sums appropriated by law for such work or institution, without being authorized by law in express terms so to do.

Mr. Phelps, on leave, introduced the following bill, which was read the first time ;

S. B. No. 96 ; A bill to amend an act to fix and provide for holding the terms of the Courts of Common Pleas, in the several counties of the third judicial district of Ohio, passed February 20, 1856.

On motion of Mr. Phelps, the constitutional rule was unanimously suspended, and the bill was read the second and third time by its title.

The question being, shall the bill pass ?

Friday, February 29, 1856.

The yeas and nays were ordered and resulted—yeas 33, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—33.

Those who voted in the negative were—none.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Hamilton, from the committee on the Evils resulting from the traffic in Intoxicating Liquors, asked and obtained leave to introduce the following bill, which was read the first time :

S. B. No. 98 : A bill to amend the act entitled "an act to provide against the evils resulting from the sale of intoxicating liquors in the State of Ohio," passed May 1, 1854.

Mr. Matthews, on leave, introduced the following bill, which was read the first time :

S. B. No. 99 : A bill to amend the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

FRIDAY, FEBRUARY 29, 1856.

Prayer by Rev. Mr. Allen.

Mr. Matthews presented the remonstrance of Alphonso Wood and 14 other citizens of College Hill, Hamilton county, against any essential modification of the school law ;

Which was referred to the committee on Schools and School Lands.

Also, the petition of Hugh W. Ross, praying an increase of the fees of county surveyors

Which was referred to the committee on Fees and Salaries.

Mr. Hamilton presented the petition of F. G. Childs for an amendment of the exemption laws, so as to allow mechanics having no homestead, tools, materials, and unfinished work to the amount of \$300 exempt from sale or execution ;

Which was referred to Messrs. Hamilton, Rush and Phelps, as a select committee of three.

Mr. Lawder presented the petition of J. J. Robinson and sundry other citizens, praying the abolishment of State Superintendent of Common Schools, and also the Township Board of Education ;

Which was referred to the committee on Common Schools.

Mr. Kirk presented the petition of J. W. Vance and 103 other citizens of Knox county, asking for an increase of the salaries of Judges of the Supreme Courts and Courts of Common Pleas ;

Which was referred to the Judiciary committee.

H. B. No. 78, was read the second time, and committed to the committee of the whole.

The President laid before the Senate four several communications from the Governor, making certain appointments to office.

On motion of Mr. Hamilton, the several communications were laid upon the table.

The President also laid before the Senate a communication from the Auditor of State, showing the number of white male inhabitants, above the age of 21, in the several counties of this State.

The communication was referred to the select committee on that subject.

Mr. Taylor of Mahoning, from the Finance committee, reported back S. B. No. 65, with sundry amendments, and recommended its passage.

The bill, with pending amendments, was laid upon the table, and amendments ordered to be printed.

On motion of Mr. Buckland, it was

Resolved, That the Auditor of State be instructed to report to the Senate, as soon as practicable, the gross amount of tolls received from the Maumee and Western Reserve Road for the last six years. Also, the amount expended on account of said road, giving the items of each expenditure so far as the same appears by vouchers or otherwise in his office.

On motion of Mr. Taylor of Mahoning, it was

Resolved, That the Treasurer of State be and he is hereby directed to communicate to the Senate the date of the failure of the Canal Bank of Cleveland ; the amount, at that time, of registered circulating notes issued by the Treasurer to said bank ; the kind and amount of stock deposited with the Treasurer as security for the redemption of such circulating notes ; the amount of these stocks which have been sold by the Treasurer, specifying the amount of each stock ; the time and times when sold ; the prices at which sold, and the amount realized ; the several amounts of the circulating notes of the bank redeemed at the Treasury, with the dates of redemption ; the amount of such redeemed notes burnt at the Treasury, with the date of burning ; the amount of such notes now in circulation, and the amount of money arising from the sales of said stock, now in the Treasury.

Mr. Buckland offered for adoption the following resolution :

Resolved, That the Judiciary committee be instructed to inquire whether the contracts for keeping the public works in repair recently made by the Board of Public Works were made in accordance with law.

On motion, the resolution was referred to Messrs. Buckland and Lawrence as a special committee of two.

Mr. Braze asked and obtained leave of absence for Mr. Griswold until Wednesday next.

On motion of Mr. Taylor of Mahoning, the Senate went into executive session on appointments sent in by the Governor.

The communications of the Governor were then taken from the table and read the first announcing the appointment of Carlton W. Sutphin as collector, the second announcing the appointment of Henderson W. Horton as collector, the third announcing the appointment of John W. King as collector, and the fourth announcing the appointment of Philip V. Herzing as collector.

And the question being on advising and consenting to the several appointments announced,

Mr. Taylor of Mahoning, moved that the Senate do advise and consent to the appointment of Carlton W. Sutphin of Butler county, to be collector of tolls at Middletown.

The question being on agreeing to the appointment of Carlton W. Sutphin, the yeas and nays were ordered, and resulted, yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—31.

Those who voted in the negative were—none.

So the Senate advised and consented to the appointment of Carlton W. Sutphin to be collector of tolls.

Mr. Buckland moved that the Senate do advise and consent to the appointment of Henderson W. Horton, of Lucas county, to be collector of tolls at Maumee City.

The question being on agreeing to the appointment of Henderson W. Horton, the yeas and nays were ordered and resulted, yeas 32, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—32.

Those who voted in the negative, were—none.

So the Senate advised and consented to the appointment of Henderson W. Horton to be collector of tolls.

Mr. Phelps moved that the Senate do advise and consent to the appointment of John W. King of Miami county, to be collector of tolls at Piqua.

And the question being on agreeing to the appointment of John W. King, the yeas and nays were ordered, and resulted, yeas 32, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—32.

Those who voted in the negative, were—none.

So the Senate advised and consented to the appointment of John W. King to be collector of tolls.

Mr. Beatty moved that the Senate do advise and consent to the appointment of Philip V. Hersing of Anglaise county, to be collector of tolls at St. Marys.

And the question being on agreeing to the appointment of Philip V. Hersing, the yeas and nays were ordered and resulted, yeas 32, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brasee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—32.

Those who voted in the negative, were—none.

So the Senate advised and consented to the appointment of Philip V. Hersing as collector of tolls.

The business for which the Senate went into Executive Session having been concluded, the session closed.

On motion of Mr. Brasee, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Buckland in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration

S. B. No. 13; "To fix the rate of interest and prevent usury," and had made progress therein, and asked leave to sit again,

Which was granted.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Mr. Buckland asked and obtained leave to introduce the following bill, which was read the first time:

S. B. No. 100; To authorize the mortgagors of real estate to waive the appraisalment of the real estate, upon foreclosure and sale of the mortgaged premises.

Mr. Matthews offered for adoption the following resolutions:

Resolved, by the General Assembly of the State of Ohio. That the Congress of the United States is hereby requested to take speedy and efficient steps toward the improvement of the navigation of the Ohio River, by appropriating a reasonable and sufficient sum of money to aid in the construction of a canal around the Falls of the Ohio River, upon the Indiana side.

Resolved. That the Senators and Representatives from this State, are hereby requested to submit these resolutions to their respective branches of the National Legislature.

And the question being on agreeing to the resolutions,

Mr. Buckland moved to lay them on the table,

Which motion was lost.

The question recurring on the adoption of the resolutions, they were adopted.

Mr. Holmes gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill authorizing the Trustees of Mill Creek township, Hamilton county, to appropriate certain moneys now in their hands.

Mr. Bundy gave notice, that on to-morrow or some subsequent day of the session, he would introduce a bill to amend the act entitled "an act for opening and regulating of roads and highways," passed January 27, 1853.

Mr. Brown, from the committee on Federal Relations, to whom was referred the Kansas Resolutions of Vermont, moved a suspension of the rules, to enable said committee to make a report,

Which was agreed to.

Whereupon Mr. Brown, from said committee, reported a preamble and resolutions on the same subject of the Vermont Resolutions.

On motion of Mr. Brown, the preamble and resolutions were laid upon the table and ordered to be printed, and made the order of the day for next Wednesday.

Mr. Kelley asked and obtained leave to introduce the following bill, which was read the first time:

S. B. No. 101; A bill to punish the embezzlement and unlawful use of public moneys.

On motion of Mr. Braze, the Senate resolved itself into a committee of the whole on the orders of the day, Mr. Buckland in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration S. B. No. 13, and now report the same back to the Senate, with sundry amendments.

Mr. Canfield moved to indefinitely postpone the bill with pending amendments.

Upon this question the yeas and nays were demanded, ordered, and resulted—yeas 14, nays 17.

Those who voted in the affirmative were—

Messrs. Beatty, Brown, Bundy, Burnett, Canfield, Gardner, Hamilton, Hardy, Hawley, Kirk, Lawrence, Lewis, Marsh and Taylor of Geauga—14.

Those who voted in the negative were—

Messrs. Brand, Braze, Buckland, Cattell, Converse, Holmes, Hyer, Kelley, Lawder, Lunt, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, and Warfel—17.

So the motion to indefinitely postpone, was lost.

The question then being on agreeing to the *first* amendment made in committee of the whole, which struck out the *first* section of the bill;

Upon this question the yeas and nays were demanded, ordered, and resulted—yeas 21, nays 10.

Those who voted in the affirmative were—

Messrs. Beatty, Brown, Buckland, Burnett, Canfield, Converse, Gardner, Hamilton, Hardy, Hawley, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps and Taylor of Geauga—21.

Those who voted in the negative were—

Messrs. Brand, Braze, Bundy, Heaton, Kelley, Matthews, Rush, Spencer, Taylor of Mahoning, and Warfel—10.

So the Senate agreed to the first amendment made in committee of the whole.

The other amendments proposed in committee of the whole, were then agreed to, and the question being on the engrossment of the bill,

Mr. Brazee moved to amend the 12th section of the bill, by striking out all of said section except the words: "This act shall take effect on the first of May next."

Which motion was agreed to.

The question then recurring on the engrossment of the bill,

Mr. Bundy moved to strike out the ~~ninth~~ and ~~tenth~~ sections.

Pending the motion to strike out,

Mr. Kirk moved to lay the bill, with the pending amendments, upon the table, and the bill to be engrossed,

Which motion was agreed to.

On motion of Mr. Spencer, S. B. No. 43, was taken from the table, and referred to Mr. Spencer, as a select committee of one.

Mr. Taylor of Geauga, offered for adoption the following resolution:

Resolved, That the Board of Public Works be required to report forthwith to the Senate the names of all bidders, together with bids of each, and also the names of all persons to whom contracts were awarded, and the portion of the Public Works awarded to each contractor, and the price at which the contract was taken by each contractor, and whether any bids were made which were lower than those which were accepted by the Board, and if so, the reasons why such lower bids were not accepted, in the recent letting of the Public Works of the State, for keeping the same in repair for five years.

On motion of Mr. Lawrence, the resolution was referred to Messrs. Buckland and Lawrence, as a special committee of two.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

SATURDAY, MARCH 1, 1856.

Prayer by Rev. Mr. Allen.

Mr. Hardy presented four several petitions from teachers and citizens of Ohio, praying the Legislature to establish normal schools in this State, and that the State be divided into districts, and money be appropriated for the purpose aforesaid,

Which were severally referred to the committee on Common Schools.

Mr. Beatty presented the petition of members of the bar of Carroll county, praying concurrent jurisdiction in partition and dower cases to be conferred upon the probate court,

Which was referred to the committee on the Judiciary.

Mr. Holmes presented the report and resolution of a meeting of the citizens of Cincinnati, favorable to the suppression of intemperance, recommending the Legislature, at their present session, to pass a prohibitory liquor law,

Which was referred to the committee on Temperance.

Also, the memorial of a committee of the Chamber of Commerce of Cincinnati, setting forth the grievances of the citizens of Ohio under the present existing tax law, and asking the modification of the same,

Which was referred to the Finance committee.

Mr. Hyer presented the petition of teachers and citizens of Highland county in favor of the establishment of State normal schools,

Which was referred to the committee on Common Schools.

Mr. Canfield, from the committee on Schools and School Lands, to whom was referred S. B. No. 52, reported the same back, and recommended its indefinite postponement,

And the question being on agreeing to the report, it was adopted, and the bill indefinitely postponed.

Mr. Kelley, from the Finance committee, to whom was referred S. B. No. 64, reported the same back with sundry amendments,

And the question being on agreeing to the amendments reported, they were considered, *seriatim*, and severally adopted.

The question then being on agreeing to the several amendments proposed in the committee of the whole, they were considered, *seriatim*, and severally adopted.

Mr. Baird moved to amend as follows, viz; After the word "State" in line 2, of section 6, insert these words, "which were exempted from taxation by the statute authorizing their issue."

And the question being on agreeing to the amendment, the yeas and nays were demanded, ordered, and resulted—yeas 7, nays 21.

Those who voted in the affirmative were—

Messrs. Baird, Canfield, Converse, Gardner, Hamilton, Holmes, and Phelps—7.

Those who voted in the negative were—

Messrs. Beatty, Brand, Braze, Brown, Buckland, Burnett, Cattell, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Rush, Spencer, and Taylor of Geauga—21.

So the amendment was disagreed to.

Mr. Holmes moved further to amend the bill by striking out in section 6, line 1, all after the word "any," to the word "certificate," in line 2,

And the question being on agreeing to the amendment, the yeas and nays were demanded, ordered, and resulted—yeas 3, nays 26.

Those who voted in the affirmative, were—

Messrs. Converse, Holmes, and Phelps—3.

Those who voted in the negative, were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Rush, Spencer, and Taylor of Geauga—26.

So the amendment was disagreed to.

On motion of Mr. Lawder, the bill was then ordered to be engrossed.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Mr. Brown, from the Judiciary committee, to whom was referred S. B. No. 38 and pending amendments, reported the same back with sundry additional amendments, and recommended the passage of the bill with the amendments recommended.

And the question being on agreeing to the amendments proposed, they were severally adopted, and the bill committed to the committee of the whole, and made the order of the day for Monday next.

Mr. Buckland, from the special committee, to whom was referred Senate resolution making certain inquiries of the Board of Public Works, reported the following resolution as a substitute for the original one :

Resolved, That the Board of Public Works be required to report to the Senate as soon as practicable, all the proceedings had in relation to the letting of the contracts for the repairs of the public works of this State ; specifying each and every bid received or made from the time of the publication for proposals up to the time of entering into the contract, the names of the persons making such bids or proposals, and the amount of each and every bid, and for what particular part of said public works ; what particular bids (if any) were withdrawn, specifying whether withdrawn before or after the time specified for the opening of said bids ; what bids were accepted, the names of the persons signing the contracts for the same, and whether the Board or any of its members know of any person or persons being directly or indirectly interested in any of the said contracts, or intending to be so interested either by receiving a portion of the profits, or any sum of money, or by way of salary or pay, or by way of any other consideration ; and if said Board or any member thereof have any such information, then report the name of any such person ; also, whether the Board or either of its members know of any person or persons who received any sum of money or promise of the same, or any other consideration for or on account of the withdrawal of their bid or bids, or the bids of other persons, or in the name or names of other persons ; and if said Board, or either of its members are in possession of any such information they report the name or names of such persons, the amount or amounts received or promised, and any other consideration received or promised ; and also, whether any of the members of said Board recommended, advised or counseled, that bids or contracts be made in the names of persons of different political parties, and if so, their reasons for so doing ; and whether the members of said Board, or either of them, know of any person being now interested in any contract for which he was a bidder, and whose bid was withdrawn, or whose bid having been withdrawn, the contract was given to others at a larger price or sum.

The question being on agreeing to the substitute, it was adopted.

Also, the same committee reported back Senate resolution, instructing the Judiciary committee to inquire whether the contracts for keeping the public works in repair, were made in accordance with law, and recommended its adoption.

The report was agreed to, and the resolution adopted.

Mr. Spencer, from the select committee, to whom was referred S. B. No. 43 reported the same back with sundry amendments, and recommended its passage.

The question being on agreeing to the amendments, they were adopted.

The question being on the passage of the bill,

Mr. Brazee moved to refer it to the Judiciary committee.

The question being on the reference to the Judiciary committee,

Mr. Buckland moved to amend the motion so that the committee be instructed to strike out sections 9, 10, and 11,

Which was agreed to.

The motion to refer to the Judiciary committee recurring, it was agreed to.

Mr. Matthews, from the select committee, to whom was referred amendments to S. B. No. 31, reported the same back without amendment, and recommended their adoption, and the passage of the bill.

The question being on the engrossment of the bill,

Mr. Hamilton moved the adoption of two several amendments, which were read at Clerk's desk.

And the question being on adopting the amendments,

On motion of Mr. Hawley, the bill, with pending amendments, was laid upon the table, and the amendments ordered to be printed.

Mr. Brazee, from the Judiciary committee, reported back S. B. No. 43, with the recommendation that sections 9, 10, and 11 be stricken out.

The report was agreed to, and the bill ordered to be re-engrossed and read the third time on Monday next.

Mr. Beatty, from the committee on Roads and Highways, reported back S. B. No. 63, with sundry amendments, and recommended the passage of the bill.

On motion of Mr. Brazee, the bill, with pending amendments, was laid on the table, and the amendments ordered to be printed.

S. B's Nos. 84, 85, 89, 90, and 91 were severally read the second time, and committed to the committee of the whole, and made the order for this day.

S. B. No. 53; An act providing for recording, printing and distributing the journals, and the laws and public documents, was read the third time,

And the question being, shall the bill pass? the yeas and nays were ordered, and resulted—yeas 18, nays 9.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Canfield, Cattell, Converse, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Matthews, Musgrave, Phelps, Rush, Spencer, and Taylor of Geauga—18.

Those who voted in the negative were—

Messrs. Baird, Brown, Buckland, Burnett, Gardner, Hyer, Kirk, Lewis, and Marsh—9.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Brazee, on leave, introduced the following bill, which was read the first time:

S. B. 102; For the relief of purchasers at tax sales.

Mr. Baird, on leave, introduced the following bill, which was read the first time:

S. B. No. 103; To authorize the incorporation of joint stock insurance companies.

Mr. Brand, on leave, introduced the following bill; which was read the first time:

S. B. No. 104; A bill explanatory of the act to amend the act for the incorporation of the Columbus, Piqua, and Indiana Railroad Company, passed March 12, 1851.

On motion of Mr. Brazee, it was

Resolved, That the standing committee on Agriculture be instructed to inquire into the expediency of providing, by law, for preventing stock from running at large, with leave to report by bill or otherwise.

Mr. Heaton, on leave, introduced the following bill; which was read the first time:

S. B. No. 105; A bill to provide for the construction of a new building for the institution for the deaf and dumb at Columbus.

Mr. Matthews, on leave, presented the petition of sundry citizens of Cincinnati, praying the passage of a law providing for and regulating drainage or sewerage in cities;

Also, the following bill, accompanying said petition; which was read the first time:

S. B. No. 106; A bill supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

Mr. Taylor of Geauga, on leave, introduced the following bill; which was read the first time:

S. B. No. 107; A bill to provide for the appointment of special constables for Agricultural Fairs, and to protect Fairs and Fair Grounds.

Message from the House of Representatives.

Mr. President:

The House has passed Senate bill No. 1; An act to repeal the act entitled "An act to prohibit the circulation of foreign bank bills of a less denomination than ten dollars," passed May 1, 1854, with one amendment, as follows, viz:

"Provided that nothing herein contained shall effect any action or prosecution that may have been commenced under the provisions of the act hereby repealed."

Attest:

J. S. ROBINSON, Clerk.

The question being on adopting the amendment of the House to Senate bill No. 1, the yeas and nays were ordered, and resulted—yeas 24, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Converse, Gardner, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer and Taylor of Geauga—24.

Those who voted in the negative were—none.

So the amendment was adopted.

Monday, March 3, 1856.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill in which the concurrence of the Senate is requested :

H. No. No. 58 ; To provide for the uniform government and better regulation of the Lunatic Asylums.

Attest.

JAMES S. ROBINSON, Clerk.

The foregoing bill was then read the first time.

The Senate then adjourned.

Attest

W. T. BASCOM, Clerk.

MONDAY, MARCH 3, 1856.

Prayer by the Rev. Mr. Smith.

Mr. Musgrave presented the petition of A. H. Paxton and 62 other citizens of Ashland county, asking sundry amendments to the school law ;

Which was referred to the committee on Common Schools.

Mr. Brand, from the committee on Railroads and Turnpikes, to whom was referred the memorial of the Zanesville and Maysville Turnpike Company, made a report, which was read at the clerk's desk, and ordered to be printed ;

Also, the same committee reported the following bill ; which was read the first time :

S. B. No. 108 ; For the relief of the Zanesville and Maysville Turnpike Road Company.

Mr. Lewis, from the committee on Temperance, reported back Senate bill No. 66, with two amendments,

And the question being on agreeing to the amendments, they were severally adopted, and the bill committed to the committee of the whole, and made the order for this day.

Mr. Hamilton, from the committee on Public Printing, to whom was referred joint resolution relative to the distribution of the printed reports of the Board of Agriculture, reported the same back with a view of having the resolution referred to the committee on Agriculture ;

Which was agreed to,

And the resolution was referred to committee on Agriculture.

H. B. No. 58, was read the second time, and referred to the committee on Benevolent Institutions.

S. B. No. 64 ; An act further to amend "An act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," and the several acts supplementary and amendatory thereof, was read the third time,

And the question being, shall the bill pass ?

Mr. Griswold moved to recommit the bill to the committee on Finance, with instructions so to amend it as to provide that no stocks or bonds of the State of Ohio, held by persons or corporations within the State, shall be exempted from taxation, except such as were issued under statutes that provided that such stocks or bonds should be exempted from taxation.

And the question being on the reference with instructions, the yeas and nays were demanded, ordered and resulted—yeas 15, nays 12.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Heaton, Holmes, Kirk, Lewis, Marsh, Musgrave and Phelps—15.

Those who voted in the negative were—

Messrs. Brand, Brazee, Brown, Buckland, Burnett, Hawley, Hyer, Kelley, Matthews, Rush, Spencer and Taylor of Geauga—12.

So the motion to recommit, with instructions, prevailed.

S. B. No. 43 ; An act to authorize the consolidation of railroad companies in this State with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States, was read the third time,

And the question being, shall the bill pass ?

The yeas and nays were ordered and resulted, yeas 24, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lewis, Marsh, Musgrave, Phelps, Rush, Spencer and Taylor of Geauga—24.

Those who voted in the negative were—

Messrs. Converse, Hamilton, Holmes and Matthews—4.

So the bill having received a constitutional majority, was passed.

And the title was ordered to be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills :

S. B. No. 12 ; To amend the 8th section of an act entitled "An act to amend the act entitled an act to provide for the organization of cities and incorporated villages."

The House has also passed the following bill with amendments herewith accompanying the bill :

S. B. No. 17 ; Supplementary to an act entitled "An act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the act amendatory thereof and supplementary thereto.

Attest :

J. S. ROBINSON, Clerk.

The question being on adopting House amendments to S. B. No. 17, the bill and pending amendments were laid on the table.

The President laid before the Senate a communication from the Governor, transmitting the eighth semi-annual report of the Commissioners of the Sinking Fund,

accompanied by a schedule giving the names and residences of the holders of the State debt of Ohio ;

Which was laid on the table, and ordered to be printed.

Also, a communication from the Board of Public Works in answer to Senate resolution relative to the length of canal bridges ;

Which was also laid upon the table and ordered to be printed.

Mr. Brown, on leave, introduced the following bill, which was read the first time :

S. B. No. 109 ; To prevent slaveholding in the State of Ohio.

Mr. Holmes, on leave, introduced the following bill, which was read the first time :

S. B. No. 110 ; Authorising the trustees of Mill Creek township, Hamilton county, to appropriate certain moneys collected by special tax in said township.

On motion of Mr. Braze, Senate bills Nos. 21, 67, 68, and House bill No. 6, were taken from the table, and committed to the committee of the whole.

Mr. Buckland asked and obtained leave of absence for Mr. Taylor of Mahoning.

Mr. Burnett asked and obtained leave of absence for Mr. Lawrence.

Mr. Buckland offered for adoption the following preamble and resolutions :

WHEREAS, The commerce and navigation of the Northern Lakes are of national importance, and ought to receive the fostering care and protection of the national government ; therefore,

Resolved, by the General Assembly of the State of Ohio, That the Congress of the United States is hereby requested to make reasonable and sufficient appropriations for the necessary improvement of harbors on said lakes, and for the improvement of navigation over the St. Clair Flats, so that all vessels navigating the lakes may safely and without obstruction pass over the same.

Resolved, That the Senators and Representatives from this State are requested to submit these resolutions to their respective branches of the national legislature,

And the question being on the adoption of the preamble and resolutions,

The yeas and nays were demanded, ordered and resulted, yeas 23, nays 3.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Braze, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kirk, Lewis, Marsh, Matthews, Musgrave, Rush, Spencer and Taylor of Geauga—23.

Those who voted in the negative, were—

Messrs. Converse, Holmes and Phelps—3.

So the preamble and resolutions were adopted.

On motion of Mr. Phelps, it was

Resolved, That the Judiciary committee be instructed to inquire whether the Board of Public Works have power and authority, under Section 12 of Art. 8, of the Constitution, to let out the public works by contract, without any action of the Legislature upon that subject.

On motion of Mr. Phelps, it was

Resolved, That the Judiciary Committee be instructed to inquire whether the contractors or lessees of the National Road, by virtue of the law under which such

leasing was had, and their contract made in pursuance thereof, are parties to the contract between the State of Ohio and the United States, guaranteeing the right of the United States to carry their mails free from toll on said road.

On motion of Mr. Braze, Senate resolution concerning the \$100,000 loaned to the Columbus Insurance Company, was taken from the table and referred to Mr. Braze, as a special committee of one.

Mr. Kelley, from the committee on Finance, reported back
S. B. No. 64; With an amendment as instructed by the Senate.

And the question being on agreeing to the amendment,

The yeas and nays were demanded, ordered and resulted—yeas 14, nays 13.

Those who voted in the affirmative, were—

Messrs. Baird, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Heaton, Holmes, Kirk, Lewis, Marsh, Musgrave and Phelps—14.

Those who voted in the negative, were—

Messrs. Brand, Braze, Brown, Buckland, Burnett, Hardy, Hawley, Hyer, Kelley, Matthews, Rush, Spencer and Taylor of Geauga—18.

So the amendment was adopted.

Pending the question of the passage of the bill,

The Senate took a recess.

THREE O'CLOCK P. M.

The question recurring on the passage of S. B. No. 64,

Mr. Marsh moved a reconsideration of the vote by which the amendment reported by the committee on Finance was adopted.

Upon which question the yeas and nays were demanded, ordered and resulted yeas 16, nays 13.

Those who voted in the affirmative were—

Messrs. Brand, Braze, Brown, Buckland, Burnett, Hardy, Hawley, Hyer, Kelley, Kirk, Lawder, Marsh, Matthews, Rush, Spencer and Taylor of Geauga—16.

Those who voted in the negative were—

Messrs. Baird, Beatty, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Heaton, Holmes, Lewis, Musgrave and Phelps—13.

So the motion to reconsider prevailed.

The question then recurring on the adoption of the amendment reported by the Finance committee, viz :

In Sec. 6, after the word "State," insert these words: "which by law are exempted from taxation."

Upon this question the yeas and nays were demanded, ordered and resulted—yeas 13, nays 16.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Heaton, Holmes, Lewis, Musgrave and Phelps—13.

Tuesday, March 4, 1856

Those who voted in the negative were—

Messrs. Brand, Brasee, Brown, Buckland, Burnett, Hardy, Hawley, Hyer, Kelley, Kirk, Lawder, Marsh, Matthews, Rush, Spencer and Taylor of Geauga—16.

So the amendment was disagreed to.

The question again recurring on the passage of the bill,

The yeas and nays were ordered and resulted—yeas 22, nays 7.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brasee, Brown, Buckland, Burnett, Cattell, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Rush, Spencer and Taylor of Geauga—22.

Those who voted in the negative were—

Messrs. Baird, Canfield, Converse, Gardner, Griswold, Holmes and Phelps—7.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Heaton moved that the joint resolutions relative to the repeal of the Missouri Compromise, and the passage of the Kansas-Nebraska bill, be taken from the table,

Which was agreed to, and the resolutions were read at the clerk's desk.

Mr. Marsh moved that the resolutions be referred to the committee on Federal Relations,

Which was agreed to.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

TUESDAY, MARCH 4, 1856.

Prayer by the Rev. Mr. Smith.

Mr. Holmes presented the memorial of teachers and citizens of Hamilton county, praying the establishment of normal schools in this State, and that appropriations be made for that purpose,

Which was referred to the committee on Common Schools.

Mr. Hardy presented the remonstrance of J. W. Kinclenet and 75 other citizens of Noble county, against any essential alteration or modification of the present school law,

Which was referred to the committee on Common Schools.

Also, the remonstrance of sundry other citizens of the same county, on the same subject,

Which was referred to the same committee.

Mr. Lawder presented the petition of Wm. Bland and 138 other citizens of Miami county, praying that the office of State Superintendent of Common Schools may be abolished,

Which was referred to the committee on Common Schools.

Mr. Brazee, from the committee on the Judiciary, reported back

S. B. No. 71 ; With the recommendation that all after the enacting clause be stricken out, and new sections reported by the committee inserted.

Pending the question of the adoption of the amendments,

The bill was ordered to lie upon the table, and the amendments to be printed.

Mr. Brown, from the Judiciary committee, to whom was referred Senate resolution relative to changing the jurisdiction of justices of the peace, reported by bill as follows, which was read the first time :

S. B. No. 111 ; A bill extending the jurisdiction of justices of the peace and constables throughout the county, in certain cases.

The same committee also reported the following bill, which was read the first time :

S. B. No. 112 ; A bill securing to married women such personal property as may be exempt from execution, and also enabling them to control their own earnings and the earnings of their minor children, in certain cases.

Mr. Griswold, from the Judiciary committee, reported the following bill, which was read the first time :

S. B. No. 113 ; A bill to repeal a certain act therein named, passed May 1, 1854, and to revive sections four, five and seven of the "act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases," passed March 14, 1853.

S. B. Nos. 97 and 92 ; Were severally read the second time, and committed to the committee of the whole, and made the order of the day for this day.

S. B. No 13 ; An act to fix the rate of interest, and prevent usury, was read the third time,

And the question being, shall the bill pass ?

Mr. Buckland moved to recommit the bill to a committee of one, with instructions to strike out the 9th and 10th sections.

Upon which motion the yeas and nays were demanded, ordered and resulted—yeas 13, nays 18.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Buckland, Bundy, Cattell, Hawley, Heaton, Hyer, Lawder, Lewis, Marsh and Rush—13.

Those who voted in the negative were—

Messrs. Brazee, Brown, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Holmes, Kelley, Kirk, Lunt, Matthews, Musgrave, Phelps, Spencer and Willford—18.

So the motion to recommit was lost.

The question recurring on the passage of the bill,

Mr. Kelley moved a reconsideration of the vote on the motion to recommit the bill to a committee of one with instructions to strike out the 9th and 10th sections.

Upon which question the yeas and nays were demanded, ordered and resulted—yeas 16, nays 14.

Those who voted in the affirmative were—

Messrs. Brand, Brazee, Buckland, Bundy, Hardy, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Phelps, Rush and Spencer—16.

Those who voted in the negative, were—

Messrs. Baird, Beatty, Brown, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hawley, Holmes, Musgrave and Willford—14.

So the motion to reconsider prevailed.

The question then being on referring to a select committee of one, with instructions to strike out the 9th and 10th sections,

Mr. Brazee moved to amend the motion so as to strike out the 11th section also, which amendment was accepted by the mover of the original motion.

The question then being on recommitting to a committee of one with instructions to strike out sections 9, 10 and 11,

Mr. Hamilton moved a call of the Senate, which was ordered, and the following Senators ascertained to be absent—Messrs. Kirk and Warfel; absentees excused.

On motion of Mr. Spencer, all further proceedings under the call were dispensed with.

The question again recurring on the reference to a select committee of one, with instructions to strike out sections 9, 10 and 11,

The yeas and nays were demanded, ordered and resulted—yeas 18, nays 12.

Those who voted in the affirmative, were—

Messrs. Brand, Brazee, Buckland, Bundy, Cattell, Hardy, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush and Spencer—18.

Those who voted in the negative, were—

Messrs. Baird, Beatty, Brown, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hawley, Holmes, and Willford—12.

So the motion to recommit, with instructions, prevailed.

The select committee to whom the bill was referred reported the same back with sections 9, 10 and 11 stricken out as instructed,

And the question being on agreeing to the report of the committee, the yeas and nays were demanded, ordered, and resulted—yeas 19, nays 11.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Bundy, Cattell, Hardy, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, and Spencer—19.

Those who voted in the negative—were

Messrs. Baird, Brown, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hawley, Holmes and Willford—11.

So the report of the committee, striking out sections nine, ten and eleven was agreed to.

The question again recurring on the passage of the bill, the yeas and nays were ordered and resulted—yeas 20, nays 11.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Bundy, Cattell, Gardner, Hardy, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush and Spencer—20.

Those who voted in the negative, were—

Messrs. Baird, Brown, Burnett, Canfield, Converse, Griswold, Hamilton, Hawley, Holmes, Kirk and Willford—11.

So the bill having received a constitutional majority, was passed.

On motion of Mr. Brazee, the title was amended, by striking out the words, "fix the rate of interest and," so that it would read "An act to prevent usury."

The President laid before the Senate a communication from the Warden of the Penitentiary in answer to Senate resolution requesting certain information of the Warden,

Ordered that the communication lie upon the table and be printed.

The President also laid before the Senate the fifth annual report of the Directors of the House of Refuge, of Cincinnati, to the General Assembly of the State of Ohio.

On motion of Mr. Matthews, the report was referred to the committee on Penitentiary.

Mr. Beatty gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to amend the act entitled "An act for the punishment of certain crimes therein named."

Mr. Canfield, on leave, introduced the following bill, which was read the first time :

S. B. No. 114 ; To extend the jurisdiction of Justices of the Peace in certain cases therein named.

On motion of Mr. Hamilton, Senate bill No. 63, was taken from the table, and referred to Messrs. Hamilton, Phelps and Musgrave, as a special committee of three.

On motion of Mr. Lewis, all petitions praying the passage of a law conferring on Probate Courts concurrent jurisdiction with the Court of Common Pleas, in cases of partition and assignment of dower, were taken from the table, and referred to the committee on the Judiciary.

The Senate then took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed Senate bill No. 34 ; To protect keepers of hotels, inns and boarding houses in certain cases.

The House has refused to agree to Senate amendments to House bill No. 28 ; Further prescribing the powers and duties of the courts of this State, and the Judges thereof.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Phelps the Senate adhered to its amendment to the foregoing House bill.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested :

H. B. No. 88 ; Supplementary to an act defining the powers and duties of justices in criminal cases, passed March 27, 1837.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House bill was then read the first time.

On motion, Senate bill, No. 31, was taken from the table and recommitted to Mr. Matthews as a select committee of one.

Mr. Hawley, on leave, introduced the following bill, which, on suspension of the constitutional rule, was read the first time, by its title :

S. B. No. 115 ; To authorize and regulate the sale of Section Number Twenty-nine, and the surrender of permanent leases thereto, in the county of Gallia.

Mr. Cattell moved that the rules be suspended, to enable the committee on New Counties to make a report ;

Which was agreed to.

Whereupon Mr. Cattell, from said committee to whom was referred the petition of citizens of Noble county praying a dissolution of said county, reported that they find that notice of intention to present said petition was not given as required by law in such cases, and that, therefore, they recommend that the petitioners have leave to withdraw their petition, and that the committee be discharged from the further consideration of the subject.

The report of the committee was then agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill :

S. B. No. 57 ; To amend an act entitled "an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

Attest :

J. S. ROBINSON, Clerk.

Mr. Hamilton gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to provide for the sale of the public works of the State.

Mr. Brazee, special committee of one, to whom was referred Senate resolution relative to the \$100,000 loaned by the late Ohio Canal Fund Commissioners to the Columbus Insurance Company, reported a substitute for said resolution, as follows :

Resolved, by the General Assembly of the State of Ohio, That the contract dated 31st December, 1849, made between the late Ohio Canal Fund Commissioners, with the Columbus Insurance Company, by which \$100,000 of the money of the State was deposited by said commissioners with said company, and the bond of Wm. Miner and others, of the date aforesaid, taken for the payment of said moneys, and the proceedings had on said bonds, tending to the collection of said money, be and the same are hereby affirmed.

And the question being on agreeing to the substitute,

On motion of Mr. Brazee, it was referred to the committee on Finance.

On motion of Mr. Hamilton, the Senate resolved itself into committee of the whole on the order of the day—Mr. Matthews in the chair,

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration Senate bill No. 69, and now report the same back with sundry amendments.

Also, House bill No. 1, and had made progress therein, and asked leave to sit again;

Which was granted.

On motion of Mr. Brand, the committee of the whole was discharged from the further consideration of Senate bill No. 55, and the same was referred to Mr. Baird as a select committee of one.

Mr. Hyer asked and obtained leave of absence for a few days.

On motion of Mr. Brown, the following preamble and resolution were adopted :

WHEREAS, The crime of murder has recently been committed in our State ; and, whereas, the murderer has, under a civil process from the United States courts, been removed from the jurisdiction of our courts, and from the penalty of our violated laws ; now, therefore, for the purpose of determining whether there remains in the State of Ohio, sufficient sovereignty to punish crime, be it

Resolved, That the committee on the Judiciary be requested to inquire what laws, if any, can be passed by the Legislature to enable our courts to punish the crime of murder.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, MARCH 5th, 1856.

Prayer by Rev. Mr. Smith.

Mr. Canfield presented the remonstrance of Joseph F. Lakeman and 34 other voters of Hamilton county against any change in the school law ;

Which was referred to the committee on Common Schools.

Mr. Warfel presented the remonstrance of sundry citizens of Harrison county against the repeal, or any modification of the present school law ;

Which was referred to the committee on Common Schools.

Mr. Taylor of Mahoning, asked and obtained leave to record his vote on the passage of the following bills ; and thereupon recorded his vote in the affirmative :

S. B. No. 13 ; An act to prevent usury.

S. B. No. 64 ; An act further to amend an act for the assessment and taxation of

all property in this State, and for levying taxes thereon according to its true value in money, and the acts supplementary and amendatory thereof.

Mr. Warfel also asked and obtained leave to record his vote on the passage of the same bills ; and thereupon voted in the affirmative.

Mr. Musgrave presented two remonstrances from sundry citizens of Ashland county, against the repeal, or essential modification of the present school law ;

Which were severally referred to the committee on Common Schools.

Mr. Matthews presented the remonstrance of J. M. Sparks and 48 other citizens of Cincinnati, against any essential modification of the present school law ;

Which was referred to the committee on Common Schools.

Mr. Griswold, from the committee on the Judiciary, reported back Senate bill No. 50, with one amendment, and with the recommendation that the amendments proposed in committee of the whole be adopted ;

The several amendments adopted in committee of the whole, and the amendments proposed by the Judiciary committee, were severally adopted, and the bill ordered to be engrossed.

The same committee, to whom was referred Senate resolution relative to the claim of Oliver P. Boyer for furniture furnished the Lunatic Asylum at Dayton, reported the same back with the recommendation that it be adopted,

And the question being upon agreeing to the report of the committee,

Mr. Marsh moved the adoption of the following, as a substitute :

Resolved, That the Trustees of the Lunatic Asylum at Dayton be, and they are hereby instructed to purchase at the sum of \$309 46, of O. P. Boyer two tete-a-tetes and two French sofas, now in said Asylum at Dayton.

And the question being on agreeing to the substitute, the yeas and nays were demanded, ordered, and resulted—yeas 7, nays 23.

Those who voted in the affirmative were—

Messrs. Brazee, Canfield, Griswold, Heaton, Lawder, Marsh, and Taylor of Geauga—7.

Those who voted in the negative were—

Messrs. Baird, Brand, Brown, Buckland, Burnett, Cattell, Converse, Gardner, Hamilton, Hardy, Hawley, Holmes, Kelley, Kirk, Lewis, Lunt, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, Warfel and Willford—23.

So the substitute was disagreed to.

The question then being on agreeing to the report of the committee,

Mr. Marsh moved a call of the Senate.

The roll of the Senate was called, and the following Senators found absent, viz : Messrs. Bundy, Hyer, Lawrence, and Matthews.

On motion of Mr. Holmes, the absentees were excused, and all further proceedings under the call dispensed with.

The question recurring on the adoption of the report of the Judiciary committee.

Mr. Hamilton moved to refer the report to the committee on Finance with instructions to report by bill, making an appropriation for the payment of the claim.

A division of the question being demanded, it turned on the reference, which was agreed to.

The question then being on the instructions, the yeas and nays were demanded, ordered, and resulted—yeas 16, nays 15.

Those who voted in the affirmative were—

Messrs. Brand, Brasee, Burnett, Converse Griswold, Hamilton, Hardy, Heaton, Kirk, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, and Willford—16.

Those who voted in negative were—

Messrs. Baird, Beatty, Brown, Buckland, Bundy, Cattell, Gardner, Hawley, Holmes, Kelley, Lawder, Lewis, Lunt, Marsh, Taylor of Geauga, and Warfel—15.

So the instructions were adopted.

Mr. Brown, from the Judiciary committee, reported the following bill, which was read the first time :

S. B. No. 116 ; Fixing the commencement of the official term of County Recorder.

Mr. Brasee, from the Currency committee, reported the following bill, which was read the first time :

S. B. No. 117 ; To compel a full resumption of specie payments by banks and bankers.

Mr. Spencer, from the committee on Public Works, to whom was referred Senate resolutions, instructing said committee to inquire into the expediency of selling the interest owned by the State in all canals, railroads, turnpikes, and slack-water navigation companies, made a report,

(See Appendix.)

Which concluded by recommending the adoption of the following resolution :

“Resolved, by the General Assembly of the State of Ohio, That the Commissioners of the Sinking Fund be directed to proceed on or before the first day of June next to sell, according to the provisions of the first section of the act passed May 1, 1854, entitled “an act supplementary to and amendatory of an act to create a sinking fund for the payment of the principal and interest of the public debt of Ohio,” passed March 14, 1853, and to repeal certain sections of said act, and to amend the eighth section of the act entitled “an act to define the duties of the Commissioners of the Sinking Fund,” passed April 19, 1852, all the stock owned by the State of Ohio in any railroad, turnpike, or canal company at the best prices they can obtain for the same in money or in the six per cent. stock of the funded debt of the State of Ohio,

And the question being on agreeing to the resolution, it was adopted.

Mr. Matthews, from the select committee, to whom was referred S. B. No. 31, with pending amendments, reported the same back, with additional amendments.

And the question being on agreeing to the several amendments proposed,

Mr. Hawley moved that the bill, with pending amendments, be committed to the committee of the whole, and be made the special order for this afternoon,

Which was agreed to.

Mr. Baird, select committee, to whom was referred S. B. No. 55, with pending amendments, reported the same back with sundry amendments.

Pending the question of the adoption of the amendments,

The Senate took a recess.

THREE O'CLOCK P. M.

The question being on agreeing to the amendments to S. B. No. 55,

On motion of Mr. Gardner, the bill, with pending amendments, was referred to the committee on Agriculture.

On motion of Mr. Spencer, the constitutional rule was suspended, and S. B. No. 95 was read the first and second time by its title, and committed to the committee of the whole and made the order for this day.

S. B's Nos. 102, 108, 109, 93, 100, 101, and 98 were severally read the second time and committed to the committee of the whole.

On motion of Mr. Brand, the constitutional rule was suspended, and S. B. No. 94 was read the second time, by its title, and committed to committee of the whole.

H. B. No. 88 was read the second time, and committed to the committee of the whole.

S. B. No. 50 ; To enable railroad companies to fund their floating debts, was read the third time,

And the question being , shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—29.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed the following Senate joint resolution, relative to supplying ten copies of Statutes to Ashland county.

Attest :

J. S. ROBINSON, Clerk.

Mr. Hawley, from joint committee on Enrollment, made following report :

The joint committee on Enrollment report that they have examined the following bills and joint resolutions, and find the same correctly enrolled, to wit :

H. J. R. No. — ; Relative to printing extra copies of School Commissioner's report.

H. J. R. No. — ; For the relief of James G. Culbertson.

H. J. R. No. — Relating to the Woodworth planing machine.

H. J. R. No. — ; Relative to furnishing Hardin county with weights and measures.

S. J. R. No. 3 ; In relation to visiting Cincinnati on the 22d of February.

H. B. No. 30 ; To amend section No. 105 of an act of jurisdiction and procedure before Justices of the Peace and of the duties of Constables in civil courts, passed March 14, 1853.

H. B. No. 7 ; To authorize the Trustees of Madison township, Franklin county, to convey a portion of school section sixteen for school house purposes.

S. B. No. 1 ; To repeal the act entitled an act to prohibit the circulation of foreign bank bills of a less denomination than ten dollars, passed May 1, 1854.

S. B. No. 12 ; To amend the eighth section of an act entitled an act to amend the act entitled an act to provide for the organization of cities and incorporated villages.

S. B. No. 57 ; To amend an act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23d, 1840.

C. G. HAWLEY,
M. D. HARDY,
Senate Com.
D. McFARLAND,
Chairman House Com.

Message from the House of Representatives.

Mr. President :

The House has passed Senate joint resolution requiring our Senators and Representatives in Congress to aid in the passage of a law granting pensions to the soldiers of the war of 1812, with the following amendment :

“ That it be so amended as to include the soldiers who served under Generals Wayne, Harmar, St. Clair and others in the intermediate Indian wars.”

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to the foregoing House amendment, it was adopted.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled joint resolutions and bills :

S. J. R. No. 3 ; In relation to visiting Cincinnati on the 22d of February.

H. J. R. ; Relative to furnishing Hardin county with weights and measures.

H. J. R. ; Relative to printing extra copies of School Commissioners Report.

H. J. R. ; For the relief of James G. Culbertson.

H. B. No. 7 ; An act to authorize the trustees of Madison township, Franklin county, to convey a portion of School Section Sixteen for school house purposes.

H. B. No. 30 ; An act to amend section 105 of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853.

S. B. No. 12 ; An act to amend the eighth section of an act entitled an act to amend the act entitled an act to provide for the organization of cities and incorporated villages.

S. B. No. 1 ; An act to repeal the act entitled an act to prohibit the circulation of foreign bank bills of a less denomination than ten dollars, passed May 1st, 1854.

S. B. No. 57 ; An act to amend an act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

Also, House joint resolution relative to Woodworth's Planing Machine.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills and joint resolutions.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 96 ; An act to amend an act to fix and provide for holding the terms of the courts of common pleas in the several counties of of the third judicial district of Ohio, passed February 20, 1856, with an amendment.

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to House amendment to the foregoing bill, the yeas and nays were ordered and resulted—yeas 28, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—28.

So the amendment having received a constitutional majority, was adopted.

Mr. Kelley gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to prohibit public officers and agents entrusted with the disbursement of public moneys, from making any contract or contracts for any purpose involving an expenditure beyond the amount of the appropriations made by law for such purpose, unless specially authorized by law so to do.

On motion of Mr. Taylor of Mahoning, S. B. No. 17, with pending House amendments, was taken from the table, and the question being on adopting the pending House amendments,

The yeas and nays were ordered, and resulted—yeas 25, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—25.

So the amendment having received a constitutional majority was adopted.

Mr. Brown moved a suspension of the rules, to enable him to present a petition ;

Which was agreed to,

Whereupon Mr. Brown presented the petition of Henry Hard and 170 other inhabitants of Franklin, Butler, Granville and Marion townships, in Mercer county, Ohio, in favor of striking the word "white," out of the constitution, and giving to the colored inhabitants of Ohio, certain natural rights of which they are now deprived.

On motion of Mr. Brown, the petition was referred to the special committee having charge of the memorial to the General Assembly from the convention of the colored inhabitants of Ohio.

On motion of Mr. Brown, the report of the committee on Federal Relations, relative to the Kansas resolutions of Vermont, was taken from the table,

And the question being on their adoption,

Mr. Brazee moved to indefinitely postpone them ;

Upon which question the yeas and nays were demanded, ordered, and resulted, yeas 8, nays 24.

Those who voted in the affirmative, were—

Messrs. Brazee, Converse, Holmes, Kelley, Matthews, Phelps, Spencer and Willford—8.

Those who voted in the negative, were—

Messrs. Baird, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

So the Senate refused to indefinitely postpone the report.

On motion of Mr. Brown, the report was laid upon the table, and made the special order for Wednesday next.

The President laid before the Senate a communication from the State House Commissioners in answer to Senate Resolution requiring said commissioners to report the authority under which contracts for work and materials to complete the new State House, beyond the sum appropriated by law, were made ; and, also, how far work had been done, and materials delivered on each of such contracts, for which payment has not been made.

On motion of Mr. Matthews, the communication was laid on the table, and ordered to be printed.

On motion of Mr. Kelley, Senate bill No. 69, with pending amendments, proposed in committee of the whole, was taken from the table.

The question being on agreeing to the amendments, they were severally agreed to.

On motion of Mr. Kelley, the bill was recommitted to the committee on Finance.

On motion of Mr. Matthews, the Senate resolved itself into committee of the whole on the special order for this day, Mr. Buckland in the chair.

After some time spent therein, the committee rose, and the chairman reported back Senate bill No. 31, with sundry amendments,

And the question being on agreeing to the amendments made in committee of the whole, they were severally adopted.

Those who voted in the affirmative were—

Messrs. Brand, Brazee, Buckland, Bundy, Hardy, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Phelps, Rush and Spencer—16.

Those who voted in the negative, were—

Messrs. Baird, Beatty, Brown, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hawley, Holmes, Musgrave and Willford—14.

So the motion to reconsider prevailed.

The question then being on referring to a select committee of one, with instructions to strike out the 9th and 10th sections,

Mr. Brazee moved to amend the motion so as to strike out the 11th section also, which amendment was accepted by the mover of the original motion.

The question then being on recommitting to a committee of one with instructions to strike out sections 9, 10 and 11,

Mr. Hamilton moved a call of the Senate, which was ordered, and the following Senators ascertained to be absent—Messrs. Kirk and Warfel; absentees excused.

On motion of Mr. Spencer, all further proceedings under the call were dispensed with.

The question again recurring on the reference to a select committee of one, with instructions to strike out sections 9, 10 and 11,

The yeas and nays were demanded, ordered and resulted—yeas 18, nays 12.

Those who voted in the affirmative, were—

Messrs. Brand, Brazee, Buckland, Bundy, Cattell, Hardy, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush and Spencer—18.

Those who voted in the negative, were—

Messrs. Baird, Beatty, Brown, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hawley, Holmes, and Willford—12.

So the motion to recommit, with instructions, prevailed.

The select committee to whom the bill was referred reported the same back with sections 9, 10 and 11 stricken out as instructed,

And the question being on agreeing to the report of the committee, the yeas and nays were demanded, ordered, and resulted—yeas 19, nays 11.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Bundy, Cattell, Hardy, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, and Spencer—19.

Those who voted in the negative—were

Messrs. Baird, Brown, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hawley, Holmes and Willford—11.

So the report of the committee, striking out sections nine, ten and eleven was agreed to.

The question again recurring on the passage of the bill, the yeas and nays were ordered and resulted—yeas 20, nays 11.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Bundy, Cattell, Gardner, Hardy, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush and Spencer—20.

Those who voted in the negative, were—

Messrs. Baird, Brown, Burnett, Canfield, Converse, Griswold, Hamilton, Hawley, Holmes, Kirk and Willford—11.

So the bill having received a constitutional majority, was passed.

On motion of Mr. Brazee, the title was amended, by striking out the words, "fix the rate of interest and," so that it would read "An act to prevent usury."

The President laid before the Senate a communication from the Warden of the Penitentiary in answer to Senate resolution requesting certain information of the Warden,

Ordered that the communication lie upon the table and be printed.

The President also laid before the Senate the fifth annual report of the Directors of the House of Refuge, of Cincinnati, to the General Assembly of the State of Ohio.

On motion of Mr. Matthews, the report was referred to the committee on Penitentiary.

Mr. Beatty gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to amend the act entitled "An act for the punishment of certain crimes therein named."

Mr. Canfield, on leave, introduced the following bill, which was read the first time :

S. B. No. 114 ; To extend the jurisdiction of Justices of the Peace in certain cases therein named.

On motion of Mr. Hamilton, Senate bill No. 63, was taken from the table, and referred to Messrs. Hamilton, Phelps and Musgrave, as a special committee of three.

On motion of Mr. Lewis, all petitions praying the passage of a law conferring on Probate Courts concurrent jurisdiction with the Court of Common Pleas, in cases of partition and assignment of dower, were taken from the table, and referred to the committee on the Judiciary.

The Senate then took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed Senate bill No. 34 ; To protect keepers of hotels, inns and boarding houses in certain cases.

The House has refused to agree to Senate amendments to House bill No. 28 ; Further prescribing the powers and duties of the courts of this State, and the Judges thereof.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Phelps the Senate adhered to its amendment to the foregoing House bill.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested :

H. B. No. 88 ; Supplementary to an act defining the powers and duties of justices in criminal cases, passed March 27, 1837.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House bill was then read the first time.

On motion, Senate bill, No. 31, was taken from the table and recommitted to Mr. Matthews as a select committee of one.

Mr. Hawley, on leave, introduced the following bill, which, on suspension of the constitutional rule, was read the first time, by its title :

S. B. No. 115 ; To authorize and regulate the sale of Section Number Twenty-nine, and the surrender of permanent leases thereto, in the county of Gallia.

Mr. Cattell moved that the rules be suspended, to enable the committee on New Counties to make a report ;

Which was agreed to.

Whereupon Mr. Cattell, from said committee to whom was referred the petition of citizens of Noble county praying a dissolution of said county, reported that they find that notice of intention to present said petition was not given as required by law in such cases, and that, therefore, they recommend that the petitioners have leave to withdraw their petition, and that the committee be discharged from the further consideration of the subject.

The report of the committee was then agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill :

S. B. No. 57 ; To amend an act entitled "an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

Attest :

J. S. ROBINSON, Clerk.

Mr. Hamilton gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to provide for the sale of the public works of the State.

Mr. Brazee, special committee of one, to whom was referred Senate resolution relative to the \$100,000 loaned by the late Ohio Canal Fund Commissioners to the Columbus Insurance Company, reported a substitute for said resolution, as follows :

Resolved, by the General Assembly of the State of Ohio, That the contract dated 31st December, 1849, made between the late Ohio Canal Fund Commissioners, with the Columbus Insurance Company, by which \$100,000 of the money of the State was deposited by said commissioners with said company, and the bond of Wm. Miner and others, of the date aforesaid, taken for the payment of said moneys, and the proceedings had on said bonds, tending to the collection of said money, be and the same are hereby affirmed.

And the question being on agreeing to the substitute,

On motion of Mr. Brazee, it was referred to the committee on Finance.

On motion of Mr. Hamilton, the Senate resolved itself into committee of the whole on the order of the day—Mr. Matthews in the chair,

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration Senate bill No. 69, and now report the same back with sundry amendments.

Also, House bill No. 1, and had made progress therein, and asked leave to sit again;

Which was granted.

On motion of Mr. Brand, the committee of the whole was discharged from the further consideration of Senate bill No. 55, and the same was referred to Mr. Baird, as a select committee of one.

Mr. Hyer asked and obtained leave of absence for a few days.

On motion of Mr. Brown, the following preamble and resolution were adopted :

WHEREAS, The crime of murder has recently been committed in our State ; and, whereas, the murderer has, under a civil process from the United States courts, been removed from the jurisdiction of our courts, and from the penalty of our violated laws ; now, therefore, for the purpose of determining whether there remains in the State of Ohio, sufficient sovereignty to punish crime, be it

Resolved, That the committee on the Judiciary be requested to inquire what laws, if any, can be passed by the Legislature to enable our courts to punish the crime of murder.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, March 5th, 1856.

Prayer by Rev. Mr. Smith.

Mr. Canfield presented the remonstrance of Joseph F. Lakeman and 34 other voters of Hamilton county against any change in the school law ;

Which was referred to the committee on Common Schools.

Mr. Warfel presented the remonstrance of sundry citizens of Harrison county against the repeal, or any modification of the present school law ;

Which was referred to the committee on Common Schools.

Mr. Taylor of Mahoning, asked and obtained leave to record his vote on the passage of the following bills ; and thereupon recorded his vote in the affirmative :

S. B. No. 13 ; An act to prevent usury.

S. B. No. 64 ; An act further to amend an act for the assessment and taxation of

all property in this State, and for levying taxes thereon according to its true value in money, and the acts supplementary and amendatory thereof.

Mr. Warfel also asked and obtained leave to record his vote on the passage of the same bills ; and thereupon voted in the affirmative.

Mr. Musgrave presented two remonstrances from sundry citizens of Ashland county, against the repeal, or essential modification of the present school law ;

Which were severally referred to the committee on Common Schools.

Mr. Matthews presented the remonstrance of J. M. Sparks and 48 other citizens of Cincinnati, against any essential modification of the present school law ;

Which was referred to the committee on Common Schools.

Mr. Griswold, from the committee on the Judiciary, reported back Senate bill No. 50, with one amendment, and with the recommendation that the amendments proposed in committee of the whole be adopted ;

The several amendments adopted in committee of the whole, and the amendments proposed by the Judiciary committee, were severally adopted, and the bill ordered to be engrossed.

The same committee, to whom was referred Senate resolution relative to the claim of Oliver P. Boyer for furniture furnished the Lunatic Asylum at Dayton, reported the same back with the recommendation that it be adopted,

And the question being upon agreeing to the report of the committee,

Mr. Marsh moved the adoption of the following, as a substitute :

Resolved, That the Trustees of the Lunatic Asylum at Dayton be, and they are hereby instructed to purchase at the sum of \$309 46, of O. P. Boyer two tete-a-tetes and two French sofas, now in said Asylum at Dayton.

And the question being on agreeing to the substitute, the yeas and nays were demanded, ordered, and resulted—yeas 7, nays 23.

Those who voted in the affirmative were—

Messrs. Brazee, Canfield, Griswold, Heaton, Lawder, Marsh, and Taylor of Geauga—7.

Those who voted in the negative were—

Messrs. Baird, Brand, Brown, Buckland, Burnett, Cattell, Converse, Gardner, Hamilton, Hardy, Hawley, Holmes, Kelley, Kirk, Lewis, Lunt, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, Warfel and Willford—23.

So the substitute was disagreed to.

The question then being on agreeing to the report of the committee,

Mr. Marsh moved a call of the Senate.

The roll of the Senate was called, and the following Senators found absent, viz : Messrs. Bundy, Hyer, Lawrence, and Matthews.

On motion of Mr. Holmes, the absentees were excused, and all further proceedings under the call dispensed with.

The question recurring on the adoption of the report of the Judiciary committee.

Mr. Hamilton moved to refer the report to the committee on Finance with instructions to report by bill, making an appropriation for the payment of the claim.

A division of the question being demanded, it turned on the reference, which was agreed to.

The question then being on the instructions, the yeas and nays were demanded, ordered, and resulted—yeas 16, nays 15.

Those who voted in the affirmative were—

Messrs. Brand, Brasee, Burnett, Converse Griswold, Hamilton, Hardy, Heaton, Kirk, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, and Willford—16.

Those who voted in negative were—

Messrs. Baird, Beatty, Brown, Buckland, Bundy, Cattell, Gardner, Hawley, Holmes, Kelley, Lawder, Lewis, Lunt, Marsh, Taylor of Geauga, and Warfel—15.

So the instructions were adopted.

Mr. Brown, from the Judiciary committee, reported the following bill, which was read the first time :

S. B. No. 116 ; Fixing the commencement of the official term of County Recorder.

Mr. Brasee, from the Currency committee, reported the following bill, which was read the first time :

S. B. No. 117 ; To compel a full resumption of specie payments by banks and bankers.

Mr. Spencer, from the committee on Public Works, to whom was referred Senate resolutions, instructing said committee to inquire into the expediency of selling the interest owned by the State in all canals, railroads, turnpikes, and slack-water navigation companies, made a report,

(See Appendix.)

Which concluded by recommending the adoption of the following resolution :

“Resolved, by the General Assembly of the State of Ohio, That the Commissioners of the Sinking Fund be directed to proceed on or before the first day of June next to sell, according to the provisions of the first section of the act passed May 1, 1854, entitled “an act supplementary to and amendatory of an act to create a sinking fund for the payment of the principal and interest of the public debt of Ohio,” passed March 14, 1853, and to repeal certain sections of said act, and to amend the eighth section of the act entitled “an act to define the duties of the Commissioners of the Sinking Fund,” passed April 19, 1852, all the stock owned by the State of Ohio in any railroad, turnpike, or canal company at the best prices they can obtain for the same in money or in the six per cent. stock of the funded debt of the State of Ohio,

And the question being on agreeing to the resolution, it was adopted.

Mr. Matthews, from the select committee, to whom was referred S. B. No. 31, with pending amendments, reported the same back, with additional amendments.

And the question being on agreeing to the several amendments proposed,

Mr. Hawley moved that the bill, with pending amendments, be committed to the committee of the whole, and be made the special order for this afternoon,

Which was agreed to.

Mr. Baird, select committee, to whom was referred S. B. No. 55, with pending amendments, reported the same back with sundry amendments.

Pending the question of the adoption of the amendments,

The Senate took a recess.

THREE O'CLOCK P. M.

The question being on agreeing to the amendments to S. B. No. 55,

On motion of Mr. Gardner, the bill, with pending amendments, was referred to the committee on Agriculture.

On motion of Mr. Spencer, the constitutional rule was suspended, and S. B. No. 95 was read the first and second time by its title, and committed to the committee of the whole and made the order for this day.

S. B's Nos. 102, 108, 109, 93, 100, 101, and 98 were severally read the second time and committed to the committee of the whole.

On motion of Mr. Brand, the constitutional rule was suspended, and S. B. No. 94 was read the second time, by its title, and committed to committee of the whole.

H. B. No. 88 was read the second time, and committed to the committee of the whole.

S. B. No. 50 ; To enable railroad companies to fund their floating debts, was read the third time,

And the question being, shall the bill pass? the yeas and nays were ordered, and resulted—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—29.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed the following Senate joint resolution, relative to supplying ten copies of Statutes to Ashland county.

Attest :

J. S. ROBINSON, Clerk.

Mr. Hawley, from joint committee on Enrollment, made following report :

The joint committee on Enrollment report that they have examined the following bills and joint resolutions, and find the same correctly enrolled, to wit :

H. J. R. No. — ; Relative to printing extra copies of School Commissioner's report.

H. J. R. No. — ; For the relief of James G. Culbertson.

H. J. R. No. — Relating to the Woodworth planing machine.

H. J. R. No. — ; Relative to furnishing Hardin county with weights and measures.

S. J. R. No. 3 ; In relation to visiting Cincinnati on the 22d of February.

H. B. No. 30 ; To amend section No. 105 of an act of jurisdiction and procedure before Justices of the Peace and of the duties of Constables in civil courts, passed March 14, 1853.

H. B. No. 7 ; To authorize the Trustees of Madison township, Franklin county, to convey a portion of school section sixteen for school house purposes.

S. B. No. 1 ; To repeal the act entitled an act to prohibit the circulation of foreign bank bills of a less denomination than ten dollars, passed May 1, 1854.

S. B. No. 12 ; To amend the eighth section of an act entitled an act to amend the act entitled an act to provide for the organization of cities and incorporated villages.

S. B. No. 57 ; To amend an act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23d, 1840.

C. G. HAWLEY,
M. D. HARDY,
Senate Com.
D. McFARLAND,
Chairman House Com.

Message from the House of Representatives.

Mr. President :

The House has passed Senate joint resolution requiring our Senators and Representatives in Congress to aid in the passage of a law granting pensions to the soldiers of the war of 1812, with the following amendment :

“ That it be so amended as to include the soldiers who served under Generals Wayne, Harmar, St. Clair and others in the intermediate Indian wars.”

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to the foregoing House amendment, it was adopted.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled joint resolutions and bills :

S. J. R. No. 3 ; In relation to visiting Cincinnati on the 22d of February.

H. J. R. ; Relative to furnishing Hardin county with weights and measures.

H. J. R. ; Relative to printing extra copies of School Commissioners Report.

H. J. R. ; For the relief of James G. Culbertson.

H. B. No. 7 ; An act to authorize the trustees of Madison township, Franklin county, to convey a portion of School Section Sixteen for school house purposes.

H. B. No. 30 ; An act to amend section 105 of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853.

S. B. No. 12 ; An act to amend the eighth section of an act entitled an act to amend the act entitled an act to provide for the organization of cities and incorporated villages.

S. B. No. 1 ; An act to repeal the act entitled an act to prohibit the circulation of foreign bank bills of a less denomination than ten dollars, passed May 1st, 1854.

S. B. No. 57 ; An act to amend an act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

Also, House joint resolution relative to Woodworth's Planing Machine.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills and joint resolutions.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 96 ; An act to amend an act to fix and provide for holding the terms of the courts of common pleas in the several counties of of the third judicial district of Ohio, passed February 20, 1856, with an amendment.

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to House amendment to the foregoing bill, the yeas and nays were ordered and resulted—yeas 28, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—28.

So the amendment having received a constitutional majority, was adopted.

Mr. Kelley gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to prohibit public officers and agents entrusted with the disbursement of public moneys, from making any contract or contracts for any purpose involving an expenditure beyond the amount of the appropriations made by law for such purpose, unless specially authorized by law so to do.

On motion of Mr. Taylor of Mahoning, S. B. No. 17, with pending House amendments, was taken from the table, and the question being on adopting the pending House amendments,

The yeas and nays were ordered, and resulted—yeas 25, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Kelley, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—25.

So the amendment having received a constitutional majority was adopted.

Mr. Brown moved a suspension of the rules, to enable him to present a petition ;

Which was agreed to,

Whereupon Mr. Brown presented the petition of Henry Hard and 170 other inhabitants of Franklin, Butler, Granville and Marion townships, in Mercer county, Ohio, in favor of striking the word "white," out of the constitution, and giving to the colored inhabitants of Ohio, certain natural rights of which they are now deprived.

On motion of Mr. Brown, the petition was referred to the special committee having charge of the memorial to the General Assembly from the convention of the colored inhabitants of Ohio.

On motion of Mr. Brown, the report of the committee on Federal Relations, relative to the Kansas resolutions of Vermont, was taken from the table,

And the question being on their adoption,

Mr. Brazee moved to indefinitely postpone them ;

Upon which question the yeas and nays were demanded, ordered, and resulted, yeas 8, nays 24.

Those who voted in the affirmative, were—

Messrs. Brazee, Converse, Holmes, Kelley, Matthews, Phelps, Spencer and Willford—8.

Those who voted in the negative, were—

Messrs. Baird, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

So the Senate refused to indefinitely postpone the report.

On motion of Mr. Brown, the report was laid upon the table, and made the special order for Wednesday next.

The President laid before the Senate a communication from the State House Commissioners in answer to Senate Resolution requiring said commissioners to report the authority under which contracts for work and materials to complete the new State House, beyond the sum appropriated by law, were made ; and, also, how far work had been done, and materials delivered on each of such contracts, for which payment has not been made.

On motion of Mr. Matthews, the communication was laid on the table, and ordered to be printed.

On motion of Mr. Kelley, Senate bill No. 69, with pending amendments, proposed in committee of the whole, was taken from the table.

The question being on agreeing to the amendments, they were severally agreed to.

On motion of Mr. Kelley, the bill was recommitted to the committee on Finance.

On motion of Mr. Matthews, the Senate resolved itself into committee of the whole on the special order for this day, Mr. Buckland in the chair.

After some time spent therein, the committee rose, and the chairman reported back Senate bill No. 31, with sundry amendments,

And the question being on agreeing to the amendments made in committee of the whole, they were severally adopted.

Mr. Matthews, on leave of the Senate, withdrew the second amendment reported by the select committee to whom the bill was referred.

The question recurring on agreeing to the amendments,

Mr. Brand moved to amend the first Senate amendment by striking out the word "seven" in the fourth line, and inserting in its stead the word "eight," and by striking out the word "three" in the eleventh line, and inserting in its stead the word "two."

Pending the question of the adoption of the amendment,

The Senate adjourned.

Attest :

W. T. BASCOM, Clerk.

THURSDAY, MARCH 6, 1856.

Prayer by Rev. Mr. Smith.

Mr. Lawder presented the petition of sundry citizens of Miami county praying that the office of State Superintendent of Common Schools be abolished ;

Which was referred to the committee on Common Schools.

Mr. Musgrave presented the remonstrance of sundry citizens of Ashland county against any alteration of the school law ;

Which was referred to the committee on Common Schools.

Mr. Warfel presented a remonstrance from sundry citizens of Harrison county on the same subject ;

Which was referred to the same committee.

Mr. Hamilton presented the petition of Wm. Lawrence and 13 other attorneys of Logan county asking said county to be included in the proposed new judicial subdivision composed of the counties of Clark, Champaign and Union ;

Which was referred to the committee on the Judiciary.

Mr. Lunt, from the committee on Agriculture, to whom was referred House joint resolution relative to a distribution of the Reports of the State Board of Agriculture, reported the same back with one amendment, viz :

Strike out all after the word "resolved," and insert the following :

By the General Assembly of the State of Ohio, That the Secretary of State be requested to have printed 15,000 copies of the Annual Report of the State Board of Agriculture, and 1,800 copies of the Report of the President of said Board for the year 1855, and that he divide 14,000 copies of the Report of the Board, and 800 copies of the Report of the President of the Board among the members equally, for distribution among the people, and box up and forward the same to the county seat of each member, and that the charges of transportation of the same be paid in the same manner as is or may be provided by law for distributing the laws. The balance of said Reports shall be subject to the order of the State Board of Agriculture.

And the question being on agreeing to the amendment reported ;

It was adopted.

The question then being on agreeing to the resolution, as amended,

It was adopted.

Mr. Warfel, from the select committee to whom was referred S. B. No. 40, reported the same back with one amendment.

And the question being on agreeing to the amendment,

The bill, with pending amendments, was referred to the committee on the Judiciary.

Mr. Kelley, on notice, introduced the following bill, which was read the first time :

S. B. No. 118 ; To limit the power of public officers and agents in making contracts.

Mr. Phelps moved that a message be sent to the House requesting the return to this branch of H. B. No. 28 ;

Which was agreed to.

Mr. Matthews moved to take from the table S. B. No. 31, with pending amendments ;

Which was agreed to.

Mr. Brand, on leave of the Senate, withdrew his motion to amend the first Senate amendment.

Mr. Matthews moved to amend the bill as follows : Insert in section 5, line 31, next preceding the words "and the," as follows :

Provided, that in counties in which the county seat contains a population of 3,500 or upwards, the County Commissioners may allow to the said officers out of the fees and costs collected by them as aforesaid in addition to the compensation to which they would be otherwise entitled under the provisions of this act, such per cent. thereon, not exceeding 25 per cent., as they may deem expedient.

And the question being on agreeing to the amendment ;

It was adopted.

The question then being on the engrossment of the bill,

Mr. Bundy moved to recommit the bill to the committee on Fees and Salaries.

Upon which question the yeas and nays were demanded, ordered and resulted—yeas 22, nays 8.

Those who voted in the affirmative were—

Messrs. Beatty, Brazee, Brown, Buckland, Bundy, Burnett, Cattell, Gardner, Hamilton, Hardy, Heaton, Kelley, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—22.

Those who voted in the negative were—

Messrs. Baird, Brand, Converse, Holmes, Kirk, Matthews, Phelps and Spencer—8.

So the bill was recommitted to the committee on Fees and Salaries.

On motion of Mr. Taylor of Mahoning, it was

Resolved, That the committee on Fees and Salaries be instructed to amend S. B. No. 31, by striking out the words "three thousand" in section —, as amended, and insert in place thereof the words "twenty four hundred."

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Matthews in the chair.

After some time spent therein, the committee rose, and the chairman reported back H. B. No. 1, with sundry amendments.

The Senate took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Buckland, a call of the Senate was had, and the following Senators were ascertained to be absent :

Messrs. Beatty, Brazee, Brown, Canfield, Converse, Kelley, Lunt, Phelps, Rush, Taylor of Geauga and Willford.

On motion of Mr. Brand, all further proceedings under the call were dispensed with.

The question being on agreeing to the amendments proposed in committee of the whole to H. B. No. 1, they were considered *seriatim*.

The question being on agreeing to the first amendment, it was adopted.

The question being on agreeing to the second amendment, viz : Add the following as section 9 :

Sec. 9. That all Probate Judges, legally licensed to practice law, under the laws of this State, are hereby authorized to practice law in all the Courts of this State, except the Court of which they are severally Judges.

Mr. Brazee moved to amend the section by adding the following proviso :

Provided, That no Probate Judge shall act as attorney in any case or matter appealed from his decision, nor for any executor, administrator or guardian appointed or qualified by him or any other Judge of said Court.

And the question being on agreeing to the amendment, it was adopted, and the amendment as amended, agreed to.

The question then being on agreeing to the third amendment, viz : Add the following as section 10 :

Sec. 10. All offences, the jurisdiction of which is hereby transferred to the Court of Common Pleas, may be tried either upon presentment or indictment of a grand jury, or upon an information filed by the Prosecuting Attorney of the county where the offence was committed.

Mr. Brazee moved to amend the amendment by adding the following proviso :

Provided, That no information shall be filed in any case where the accused has not been recognized or is in custody for the offence charged.

Upon which question the yeas and nays were demanded, ordered and resulted—yeas 17, nays 12.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Griswold, Holmes, Lawder, Lewis, Lunt, Marsh, Phelps, Rush, Taylor of Geauga and Taylor of Mahoning—17.

Those who voted in the negative were—

Messrs. Converse, Gardner, Hamilton, Hardy, Hawley, Kirk, Matthews, Musgrave, Spencer, Warfel and Willford—12.

So the amendment was adopted, and the section as amended was adopted.

The question then being on agreeing to the fourth amendment, to wit:

In section 2, line 2, after the word "indictment," add the words "or presentment, or upon information,"

The same was agreed to.

On motion of Mr. Brazee, the amendments were then ordered to be engrossed, and the bill to be read the third time to-morrow.

Mr. Griswold, on leave, introduced the following bill, which was read the first time:

S. B. No. 119; A bill authorizing the election of one additional Judge of the Court of Common Pleas in the county of Cuyahoga.

Message from the House of Representatives.

Mr. President:

The House accede to the request of the Senate, and returns herewith

H. B. No. 28; With the Senate amendments.

Attest:

J. S. ROBINSON, Clerk.

On motion of Mr. Phelps, the Senate insisted on its amendment to the foregoing House bill.

Mr. Taylor, from the committee on Finance, reported back

S. B. No. 18; With the recommendation that it be passed.

On motion, the bill was recommitted to Mr. Taylor of Mahoning, as a select committee of one.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Matthews in the chair.

After some time spent therein, the committee rose, and the chairman reported back

Senate Bills Nos. 77, 67, 80, 66, 61, 48, 44, 21, 38 and 68, and House Bills Nos. 46 and 57, with sundry amendments.

On motion of Mr. Matthews, the several bills reported back were ordered to be laid upon the table.

On motion of Mr. Griswold,

S. B. No. 36 was taken from the table and committed to the committee of the whole.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

FRIDAY, MARCH 7, 1856.

Prayer by the Rev. Mr. Smith

Mr. Holmes presented the annual report of the Board of Trustees of the Ohio Medical College, at Cincinnati.

Friday, March 7, 1856.

On motion of Mr. Holmes, the reading was dispensed with, and the report referred to the committee on Medical Societies and Colleges.

Mr. Musgrave presented the remonstrance of sundry citizens of Ashland county against the repeal or essential modification of the present school law,

Which was referred to the committee on Common Schools.

Mr. Warfel presented the petition of Henry Boyles and 134 other citizens of Harrison county, praying the passage of a more efficient law for the protection of property and labor from railroad companies.

Which was referred to the committee on Rail Roads and Turnpikes.

Mr. Burnett presented the petition of Arius Nye and 23 other citizens of Washington county, praying for an increase in the salaries of Judges of the Supreme Court, and Courts of Common Pleas.

Which was referred to the committee on the Judiciary.

Mr. Canfield, from the committee on Schools and School Lands, to whom was referred sundry petitions asking an amendment of the present school law, and sundry remonstrances against any essential modification of the same, submitted a report,

(See Appendix.)

And the question being on agreeing to the report,

Mr. Hamilton moved that it be laid on the table and printed.

A division of the question being demanded, it turned on laying on the table.

Which was agreed to.

The question then being, shall the report be printed? it was agreed to.

The same committee reported the following bill, which was read the first time:

S. B. No. 120; To amend an act entitled "an act to provide for the re-organization, supervision and maintenance of Common Schools," passed March 14, 1853.

Mr. Brazee asked and obtained leave of absence for Mr. Griswold for three days.

Mr. Bundy, from the committee on Fees and Salaries, to whom was referred

S. B. No. 31; Reported the same back with sundry amendments.

And the question being on agreeing to the amendments, they were considered *seriatim*,

And the question being on the first amendment, as follows, viz:

In section 5, line 2, strike out the words "three thousand," and insert in their place the words "twenty-four hundred."

Upon which question the yeas and nays were demanded, ordered and resulted—yeas 14, nays 12.

Those who voted in the affirmative were—

Messrs. Brand, Bundy, Burnett, Converse, Hawley, Kelley, Lawder, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning and Willford—14.

Those who voted in the negative were—

Messrs. Baird, Brazee, Brown, Canfield, Gardner, Hamilton, Kirk, Lewis, Lunt, Marsh, Taylor of Geauga and Warfel—12.

So the amendment was adopted.

The second, third and fourth amendments were then severally agreed to, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Taylor of Mahoning, select committee to whom was committed

S. B. No. 18; Reported the same back with an amendment, as follows:

After the word "that," in line 1, section 1, insert these words: "Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve of."

And the question being on agreeing to the amendment, it was adopted, and the bill ordered to be engrossed and read the third time to-morrow.

Mr. Taylor of Mahoning asked and obtained leave of absence for Mr. Euckland for a few days.

Mr. Brown asked and obtained leave of absence for a few days.

Mr. Kelley, from the committee on Finance, reported back

S. B. No. 69; With sundry amendments, and recommended the adoption of the same, and the passage of the bill.

The question being on agreeing to the amendments, they were severally adopted, and the bill ordered to be engrossed and read the third time to-morrow.

The President laid before the Senate a communication from the Auditor of State, in answer to Senate resolution relative to the amount of tolls from the Maumee and Western Reserve Road, and also the amount expended on account of said road.

On motion of Mr. Bundy, the communication was laid on the table and ordered to be printed.

Also, the communication from the Treasurer of State relative to the failure of the Canal Bank of Cleveland, and amount of notes in circulation, &c.

On motion of Mr. Brazee, the communication was referred to the committee on Finance.

The Senate then took a recess.

THREE O'CLOCK, P. M.

S. B. No. 99; Was read the second time, and referred to the committee on Municipal Corporations.

S. B. No. 103; Was read the second time, and referred to Messrs. Matthews, Spencer and Baird, as a select committee.

S. B. No. 105; Was read the second time, and committed to the committee of the whole.

H. B. No. 1; An act to restore to the Court of Common Pleas the jurisdiction of minor offences in certain counties in this this State,

Was read the third time,

And the question being, shall the bill pass?

The yeas and nays were ordered, and resulted—yeas 16, nays 5.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Bundy, Burnett, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Phelps, Rush, Spencer and Taylor of Mahoning—16.

Those who voted in the negative were—

Messrs. Converse, Hawley, Matthews, Warfel and Wilford—5.

16—SENATE JOUR.

So the bill, not having received a constitutional majority, was lost.

Mr. Taylor of Mahoning, moved a reconsideration of the vote on the passage of H. B. No. 1,

And the question being on reconsideration,

Mr. Taylor of Mahoning, moved to lay the motion to reconsider on the table, Which was agreed to.

Mr. Phelps moved a call of the Senate,

The Roll was called, and the following Senators ascertained to be absent : Messrs. Beatty, Brown, Buckland, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Heaton, Holmes, Hyer, and Lawrence.

Absentees were excused.

On motion of Mr. Converse, all further proceedings under the call were dispensed with.

S. B. No. 18 ; To repeal an act therein named, was read the third time,

And the question being, "shall the bill pass?" the yeas and nays were ordered, and were—yeas 22, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Bundy, Burnett, Converse, Hawley, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—22.

So the bill having received a constitutional majority, was passed.

The question being on agreeing to the title,

Mr. Taylor moved to amend by inserting after the word repeal, these words : "the first twelve sections of."

And the question being on agreeing to the amendment, it was adopted.

The title, as amended, was agreed to.

Mr. Kirk, on leave, introduced the following bill, which was read the first time :

S. B. No. 121 ; To amend an act entitled "an act to fix and provide for holding the court of common pleas in the sixth judicial district of Ohio," passed February 6, 1854.

On motion of Mr. Hamilton, the constitutional rule was suspended, and the bill was read the second and third time.

The question being on the passage of the bill, the yeas and nays were ordered, and were—yeas 24, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Bundy, Burnett, Canfield, Cattell, Converse, Hamilton, Hawley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—24.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Matthews, S. B. No. 77 was taken from the table, and the amendments proposed in committee of the whole were agreed to, and the bill ordered to be engrossed and read the third time on Monday.

H. B. No. 57 was taken from the table, and committed to the committee on Common Schools.

H. B. No. 46 was taken from the table, and ordered to a third reading on Monday next.

S. B's Nos. 67 and 68 were severally taken from the table, and the amendments proposed in committee of the whole were severally agreed to, and the bills severally referred to the committee on the Judiciary.

S. B. No. 38 was taken from the table, and ordered to be engrossed and read the third time on Monday next.

S. B. No. 80 was taken from the table, and ordered to be engrossed and read the third time on Monday next.

S. B. No. 48 was taken from the table, and committed to Mr. Taylor of Mahoning as a select committee of one.

S. B. No. 61, and pending amendments, were taken from the table, and, on motion, ordered to lie upon the table, and the amendments to be printed.

S. B. No. 66, with pending amendments, was taken from the table, and recommit-
ted to the Judiciary committee.

S. B's Nos. 21, 44, and 65 were severally taken from the table, and the amendments to each, proposed in committee of the whole, were severally agreed to, and the bills severally ordered to be engrossed, and read the third time on Monday next.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolution, in which the concurrence of the Senate is requested :

H. J. R.; Relative to examining the claim of Samuel Gordon, by the Board of Public Works.

The House has also passed Senate joint resolution, "in relation to an appropriation by Congress to improve the harbors on the norther lakes."

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to the foregoing House joint resolution, on motion, it was referred to the committee on Public Works.

Mr. Taylor of Geauga, on leave, introduced the following bill, which was read the first time :

S. B. No. 122; For the protection of schools and lyceums.

On motion of Mr. Matthews, the committee of the whole was discharged from any further consideration of S. B. No. 88,

And the same was referred to Mr. Matthews as a select committee of one.

Mr. Taylor moved to take from the table the motion to reconsider the vote on the passage of H. B. No. 1,

Which was agreed to.

The question being on reconsideration, it was agreed to.

The question then being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 19, nays 5.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Braze, Bundy, Burnett, Cattell, Hamilton, Kelley, Kirk, Lawder, Lewis Lunt, Marsh, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, and Taylor of Mahoning—19.

Those who voted in the negative were—

Messrs. Canfield, Converse, Hawley, Matthews, and Warfel—5.

So the bill, having received a constitutional majority, was passed.

On motion of Mr. Taylor of Mahoning, the title was amended, by striking out all after the word "offences."

The title, as amended, was then agreed to.

Mr. Lunt, from the committee on Agriculture, reported back S. B. No. 55, with one amendment, which was agreed to, and the bill ordered to be engrossed and read the third time on Monday.

On motion, the Senate resolved itself into committee of the whole, on the orders of the day—Mr. Matthews in the chair.

After some time spent therein the committee rose, and the Chairman reported back S. B. No. 78, without amendment.

On motion of Mr. Taylor of Mahoning, the bill was referred to the Finance committee.

On motion of Mr. Bundy, the Senate resolved itself into committee of the whole, on the orders of the day—Mr. Spencer in the Chair.

After some time spent therein the committee rose, and the Chairman reported back S. B. No. 78, without amendment,

Which was referred to the committee on Fees and Salaries.

Also, S. B. No. 79, without amendment.

Which was referred to the Judiciary committee.

Also, S. B. No. 81, without amendment, which was ordered to be engrossed, and read the third time on Monday next.

Also, S. B. No. 83, without amendment, which was ordered to be engrossed and read the third time on Monday next.

Also, S. B. No. 87, without amendment; and the question being on the engrossment of the bill,

Mr. Brand offered for adoption the following amendment, viz: "Sec. 2. Said Vice President shall not be a salaried officer, but shall be paid a per diem for the time engaged in the discharge of the duties of President, to be fixed upon by the Directors of said company."

And the question being on agreeing to the amendment,

On motion of Mr. Bundy, the bill, with pending amendment, was referred to the committee on Railroads and Turnpikes.

On motion of Mr. Hamilton, S. B. No. 86 was taken from the table and referred to the committee on Fees and Salaries.

On motion of Mr. Phelps, S. B. No. 90 was taken from the table and referred to the Judiciary committee.

Mr. Marsh asked and obtained leave of absence until Monday next.

On motion of Mr. Taylor of Geauga, it was

Resolved, That the Commissioners of the State House report to the Senate at their earliest convenience, the name of every person that has been employed to work on or about the State House within the last three months, whether as overseers or laborers, what the occupation of each person has been, how much time each person has been actually employed, what amount has been paid, or agreed to pay each and every person, by the day, week, or month, as the case may be, and whether the Commissioners certify to the amount of labor or time spent by those employed, or what supervision they do exercise over the accounts presented for payment by those employed.

On motion of Mr. Kelley, it was

Resolved, That the standing committee on State Buildings inquire and report to the Senate, at as early a day as practicable, whether there is at present any law in force creating the office of State House Commissioners, and if, in their opinion, there be no law creating said office, that they report a joint resolution declaring the same; and further, that they report a joint resolution to prevent the receiving of any materials, or work under any existing contract for work or materials for the new State House, until authorized by law so to do.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills :

S. B. No. 60 ; To amend an act " to establish the superior court of Cincinnati," passed April 7, 1854.

S. B. No. 70, with an amendment, to provide for holding the terms of the district courts in the several counties of the third common pleas district in the State of Ohio.

Attest :

JAMES S. ROBINSON, Clerk.

The question being on agreeing to the foregoing House amendment, the yeas and nays were ordered, and resulted—yeas 24, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Bundy, Burnett, Cattell, Converse, Hamilton, Hawley, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—24.

So the amendment, having received a constitutional majority, was adopted.

Message from the House of Representatives.

Mr. President :

The House has passed Senate joint resolution No. —; In relation to an appropriation by Congress to build a canal around the falls of the Ohio river, on the Indiana side, with an amendment, strike out all after the word "resolved," and insert House amendment herewith forwarded.

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to House amendment to the foregoing resolution,

On motion, the resolution, with pending House amendment, was referred to Mr. Matthews as a select committee of one.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

SATURDAY, MARCH 8, 1856.

Prayer by the Rev. Mr. Smith.

Mr. Matthews presented the petition of S. Pearson and 414 others asking authority to purchase the legal title to certain ministerial lands in Springfield township, Hamilton county, Ohio ;

Which was referred to Messrs. Matthews, Holmes, and Converse as a select committee of three.

Mr. Converse presented the remonstrance of E. C. Kelsey and sundry other citizens of Hamilton county, against any essential modification of the present school law ;

Which was referred to the committee on Common Schools.

The following petitions were presented by the following Senators, and severally referred to the committee on Common Schools :

By Mr. Canfield, from D. Jenkins and 30 other colored citizens of Columbus, asking an amendment to the school law.

By Mr. Warfel, from Wm. W. Perry and 19 others against any alteration of the school law.

Also, from 24 other citizens of Harrison county on the same subject.

By Mr. Brazee, from sundry citizens of Fairfield county, asking an amendment of the school law.

By Bundy, on the same subject, from citizens of Jackson county.

Mr. Phelps, from the committee on Public Works, reported back House joint resolution authorizing the Board of Public Works to examine and adjust the claim of Samuel Gordon against the State of Ohio, and recommended its adoption,

And the question being on agreeing to the resolution,

It was adopted.

Mr. Matthews, from the select committee to whom was referred Senate joint resolution relative to the improvement of the Ohio River, with pending House amendment, reported the same back with an amendment to the House amendment, as follows :

Strike out in first resolution, all after the word "falls," and insert, "by the construction of a new canal upon the Indiana side,"

And the question being upon the amendment to the amendment, it was adopted, and the resolution as amended was adopted.

Mr. Phelps, from the committee on Public Works, reported back

H. B. No. 22 ; To provide for the payment of the claim of Charles Boesel for damages sustained by canal boat "Robert Blum," and cargo, by breaking in of lock No. 23 on the Miami Extension Canal, on the 6th day of October, 1860, with the recommendation that it be passed.

The bill was then read the third time,

And the question being, shall the bill pass ?

The yeas and nays were ordered and resulted—yeas 25, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazeo, Burnett, Canfield, Cattell, Converse, Hamilton, Hawley, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—25.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 69 ; An act providing for semi-annual collection of taxes,

Was read the third time,

And the question being on its passage,

The yeas and nays were ordered and resulted—yeas 23, nays 3.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brazeo, Bundy, Burnett, Canfield, Cattell, Converse, Hamilton, Hawley, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—23.

Those who voted in the negative were—

Messrs. Brand, Musgrave and Willford—3.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

The President laid before the Senate a communication from the Board of Public Works in answer to Senate resolution requiring certain information relative to the letting of contracts for the repair of the public works of the State.

On motion of Mr. Converse, the communication was laid on the table and ordered to be printed.

S. B. No. 31 ; An act to regulate and limit the compensation of certain county officers,

Was read the third time,

And the question being, shall the bill pass ?

The yeas and nays were ordered and resulted—yeas 24, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazeo, Bundy, Burnett, Canfield, Cattell, Converse, Hamilton, Heaton, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Taylor of Mahoning, Warfel and Willford—24.

Those who voted in the negative were—

Messrs. Hawley and Taylor of Geauga—2.

So the bill having received a constitutional majority, was passed.

On motion of Mr. Matthews, the title was amended so as to read as follows :

“ An act to regulate and limit the compensation of certain county officers.”

The title as amended was then agreed to.

The joint committee on Enrollment, report that they have examined and found correctly enrolled

S. B. No. 17 ; An act supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the acts amendatory thereof and supplementary thereto.

C. G. HAWLEY,
Chairman of Senate Committee.

D. McFARLAND,
Chairman of House Committee.

Mr. Lewis, on leave, introduced the following bill, which was read the first time :

S. B. No. 124 ; To amend an act entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases, passed March 14, 1853.

Mr. Taylor of Mahoning, on leave, introduced the following bill, which was read the first time :

S. B. No. 123 ; A bill in addition to the several acts in relation to the courts of justice and their powers and duties.

Mr. Hamilton, from the select committee to whom was referred S. B. No. 63, reported the same back with one amendment,

And the question being on agreeing to the amendment,

On motion of Mr. Canfield, the bill was ordered to be laid upon the table, and the amendment ordered to be printed.

Mr. Marsh offered for adoption the following resolution :

Resolved, That there be appointed a joint committee of three on the part of the Senate and — on the part of the House, to take into consideration whether it will be expedient to hold an extra session, and if so, the reason why it will be necessary, and recommend the time when it will be expedient to adjourn, and to what time.

The question being on agreeing to the resolution,

Mr. Taylor of Mahoning moved to lay it on the table,

Which motion was lost.

The question recurring on the adoption of the resolution,

The yeas and nays were ordered and resulted—yeas 18, nays 8.

Those who voted in the affirmative, were—

Messrs. Beatty, Brand, Brazee, Bundy, Burnett, Canfield, Cattell, Hawley, Heaton, Kelley, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Taylor of Geauga and Warfel—18.

Those who voted in the negative, were—

Messrs. Baird, Converse, Hamilton, Kirk, Matthews, Phelps, Taylor of Mahoning and Willford—8.

So the resolution was adopted.

On motion of Mr. Marsh, the first blank was filled with the word "three."

On motion of Mr. Bundy, H. B. No. 38, was taken from the table and referred to the committee on the Currency.

Mr. Hawley offered for adoption the following resolution :

Resolved, That the committee on the Judiciary be instructed to inquire what changes are necessary in the laws relating to laying out, opening, viewing an

changing State and county roads, and report by bill or otherwise, at as early a day as practicable.

On motion of Mr. Bundy, the resolution was referred to Messrs. Hawley, Bundy and Taylor of Geauga, as a select committee of three.

On motion of Mr. Canfield, it was

Resolved, That the committee on Roads and Highways be instructed to inquire into the expedience of so altering the law in relation to roads and highways that the office of supervisor be abolished, and so that the trustees of every township be authorized, and that it may be made their duty to open roads when established, and keep all roads and highways in repair by annual contract, and that they report by bill or otherwise.

On motion of Mr. Bundy, S. B. No. 46, was taken from the table, and committed to the committee of the whole Senate.

Mr. Brand, from the committee on Railroads and turnpikes, reported back S. B. No. 87, with an amendment.

Which was adopted.

Mr. Canfield moved to reconsider the vote by which the amendment was adopted ;

Which motion prevailed.

The question then being, shall the amendment be agreed to ?

It was lost.

The bill was then ordered to be engrossed and read the third time on Monday next.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill :

S. B. No. 121 ; Changing the time of holding the Common Pleas Court in Morrow county.

Attest :

JAS. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House insists upon its refusal to adopt Senate amendments to H. B. No. 28, and asks for a committee of Conference.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Phelps, a committee of Conference was agreed to.

The President appointed Messrs. Phelps, Rush and Musgrave said committee.

The Senate then took a recess.

THREE O'CLOCK P. M.

Mr. Kirk, on leave, introduced the following bill :

S. B. 125 ; For the relief of the stockholders and creditors of the Sandusky, Mansfield, and Newark Railroad Company,

Which was read the first time.

On motion of Mr. Bundy, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Brand in the chair,

After some time spent therein, the committee rose, and the chairman reported back S. B. No. 101, with sundry amendments,

And the question being on agreeing to the amendments,

They were adopted,

And the bill ordered to be engrossed and read a third time on Monday next.

Also, S. B. No. 97, without amendment.

On motion of Mr. Matthews, the bill was referred to the committee on the Judiciary.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

MONDAY, MARCH 10, 1856.

Prayer by the Rev. Mr. Davis.

Mr. Burnett presented the petition of John Rose and 27 other citizens of Tuscarawas county, asking the passage of a law more effectually to protect private property from the encroachments of Railroad Companies,

Which was referred to the committee on Railroads and Turnpikes.

Also, the petition of Joseph Walton of said county, asking an arbitration on certain damage done his mill property and lands adjacent thereto,

Which was referred to Messrs. Burnett, Griswold and Beatty, as a select committee of three.

Mr. Braze presented the petition of G. M. Hibbard of Athens county, asking the passage of an act amending the school law in certain particulars,

Which was referred to the committee on Schools and School Lands.

Mr. Kirk presented the remonstrance of Wm. Oliver and 32 other citizens of Knox county, against any essential modification of the present school law,

Which was referred to the committee on Schools and School Lands.

Mr. Cattell presented two several remonstrances from citizens of Jefferson county, on the same subject as the above,

Which were referred to the same committee.

Mr. Beatty presented the remonstrance of R. Seaman and 61 other citizens of Tuscarawas and Carroll counties, against the State taking part of the Sandy and Beaver Canal,

Which was referred to the committee on Public Works.

Mr. Burnett presented two remonstrances from citizens of Ohio, on the same subject as last above,

Which were referred to the same committee.

Mr. Taylor of Mahoning, from the select committee to whom was referred S. B. No. 82, reported the same back without amendment, and with the recommendation that it be laid on the table,

Which was agreed to.

The same committee reported the following bill, which was read the first time :

S. B. No. 126 ; A bill supplementary to the act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

S. B. No. 104, was read the second time, and referred to the committee on the Judiciary.

S. B. No. 106, was read the second time, and committed to the committee of the whole, and made the order for this day.

H. B. No. 46 ; An act authorizing the Governor to lay out and sell certain portions of the old Penitentiary lot in the city of Columbus,

Was read the third time, and the question being shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 20, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Bundy, Burnett, Canfield, Cattell, Converse, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Warfel and Willford—20.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 87 ; An act to authorize Railroad Companies to appoint a Vice President, and to define his duties, was read the third time,

And the question being on its passage ? the yeas and nays were ordered, and resulted—yeas 15, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Bundy, Burnett, Canfield, Cattell, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Rush, Taylor of Geauga, Warfel and Willford—15.

Those who voted in the negative were—

Messrs. Brazee, Matthews, Musgrave and Phelps—4.

So the bill not having received a constitutional majority, was lost on its passage.

Mr. Canfield moved to reconsider the vote by which the bill was lost, and the question being on reconsideration,

Mr. Canfield moved to lay the motion to reconsider on the table,

Which was agreed to.

S. B. No. 55 ; An act to amend an act entitled "an act to create a permanent Agricultural Fund in the State of Ohio, and for other purposes," was read the third time,

And the question being shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 10, nays 10.

Those who voted in the affirmative were—

Messrs. Brazee, Bundy, Burnett, Canfield, Cattell, Hawley, Heaton, Hyer, Lunt and Warfel—10.

Monday, March 10, 1856.

Those who voted in the negative were—

Messrs. Baird, Converse, Kelley, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning and Willford—10.

So the bill not having received a constitutional majority, was lost on its passage.

Mr. Brazee moved to reconsider the vote by which the bill was lost, and the question being on reconsideration,

Mr. Brazee moved to lay the motion to reconsider on the table, which motion prevailed.

S. B. No. 21 ; An act to amend sections 489, 490 and 491, of the act entitled "an act to establish a code of civil procedure," passed March 2, 1853, was read the third time,

And the question being shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 21, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Bundy, Burnett, Canfield, Cattell, Converse, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—21.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 83 ; An act to amend the act to establish a code of civil procedure passed March 11, 1853, was read the third time,

And the question being shall the bill pass ? the yeas and nays were ordered, and were—yeas 20, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Bundy, Burnett, Canfield, Converse, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—20.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 44 ; An act to amend an act entitled "an act to amend the act to provide for the maintenance and better regulation of common schools in the city of Cincinnati," passed January 27, 1853, April 18, 1854, was read the third time,

And the question being shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 21, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Bundy, Burnett, Canfield, Cattell, Converse, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—21.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 81 ; An act to authorize the Commissioners of Miami county to issue bonds to raise money to pay the debts of said county, was read the third time,

And the question being shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 18, nays 3.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Bundy, Burnett, Cattell, Converse, Hawley, Heaton, Hyer, Kelly, Kirk, Lunt, Matthews, Musgrave, Rush, Taylor of Geauga, Warfel and Willford—18.

Those who voted in the negative were—

Messrs. Canfield, Phelps and Taylor of Mahoning—3.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 80, was read the third time, and the question being on its passage,

On motion of Mr. Brazee, the bill was laid on the table.

S. B. No. 38 ; An act to authorize the Judges of the Courts of Common Pleas of each judicial district, to fix permanently the times for holding the Courts of Common Pleas and District Courts therein, was read the third time,

And the question being shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 19, nays 3.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Bundy, Burnett, Canfield, Cattell, Converse, Heaton, Hyer, Kelley, Lunt, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, and Warfel—19.

Those who voted in the negative were—

Messrs. Hawley, Kirk and Willford—3.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 77 ; An act further to prescribe the duties of County Commissioners, was read the third time,

And the question being shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Bundy, Burnett, Canfield, Cattell, Converse, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—23.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 101 ; An act to punish the embezzlement and unlawful use of the public moneys, was read the third time,

And the question being shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Bundy, Burnett, Canfield, Cattell, Converse, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—23.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 65; An act to tax banks and banking companies, incorporated under the act entitled "an act to incorporate the State Bank of Ohio, and other banking companies," passed February 24, 1845, was read the third time,

And the question being shall the bill pass? the yeas and nays were ordered, and were—yeas 20, nays 3.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Bundy, Burnett, Canfield, Cattell, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Matthews, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—20.

Those who voted in the negative were—

Messrs. Converse, Phelps and Willford—3.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has disagreed to Senate amendments to House Joint Resolution relative to the distribution of the printed reports of the Board of Agriculture.

Attest :

JAMES S. ROBINSON, Clerk.

On motion of Mr. Lunt, the Senate insisted on its amendments to the foregoing Joint Resolution, and asked a committee of conference.

The President appointed Messrs. Converse, Cattell and Kirk, said committee.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 72; To amend the 16th section of an act entitled "an act relating to the organization of courts of justice, and their powers and duties," passed February 19, 1852, with sundry amendments, to which the concurrence of the Senate is requested.

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to the House amendments to the foregoing Senate bill,

The yeas and nays were ordered, and resulted—yeas 22, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brazee, Bundy, Burnett, Canfield, Cattell, Converse, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Wilford—22.

So the amendments having received a constitutional majority, were agreed to.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bill in the presence of the House :

S. B. No. 17; An act supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1853, and the act amendatory thereof, and supplementary thereto.

The House has also passed

S. B. No. 49 ; To amend the act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled Senate bill.

Mr. Matthews, from the select committee to whom was referred the petition of S. Pearson and 414 others, praying authority to purchase the legal title to certain ministerial lands, reported by bill as follows, which was read the first time :

S. B. No. 127 ; Relating to section 29, in Springfield township, Hamilton county.

Mr. Matthews, from the select committee to whom was referred

S. B. No. 88 ; Reported the same back, with one amendment,

And the question being on agreeing to the amendment,

It was adopted, and the bill ordered to be engrossed and read the third time to-morrow.

Mr. Taylor of Geauga offered for adoption a preamble and series of resolutions relative to certain modifications and amendments to the present school law of this State,

And the question being on agreeing to the preamble and resolutions,

On motion of Mr. Taylor of Geauga, they were laid on the table and ordered to be printed.

The Senate then took a recess.

THREE O'CLOCK P. M.

Mr. Taylor of Geauga offered for adoption the following resolution :

Resolved, That the State Commissioner of Common Schools report to the Senate, at his earliest convenience, (on or before three o'clock to-morrow P. M., if practicable,) the whole amount paid, or to be paid for the purchase of books and apparatus, expense of transportation and distribution, storage and all incidental expenses ; the whole number of books and apparatus purchased, and of whom ; whether any offers to furnish the same were made by others than those of whom he purchased ; if so, what were the terms, and what were the contracts of his purchases ; was there advertisement that proposals would be received to furnish books, &c.

And the question being on agreeing to the resolution, it was adopted.

On motion of Mr. Braze the Senate resolved itself into committee of the whole on the orders of the day—Mr. Phelps in the chair.

After some time spent therein, the committee rose, and the chairman reported back

H. B's. Nos. 6, 65 and 62, without amendment, which were severally ordered to a third reading on to-morrow.

Also, S. B. No. 102, without amendment, which was laid on the table.

Mr. Brand asked and obtained leave to record his vote on the passage of Senate bills Nos. 38, 77, 65 and 101,

Which was agreed to.

Thereupon Mr. Brand voted yea upon the passage of the several bills aforesaid.

Tuesday, March 11, 1856.

On motion of Mr. Canfield, the committee of the whole was discharged from any further consideration of S. B. No. 46, and the same was ordered to lie upon the table.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

TUESDAY, MARCH 11, 1856.

Prayer by the Rev. Mr. Davis.

Mr. Phelps presented the petition of the Commissioners and Auditor of the county of Defiance, praying an amendment to the law for draining and reclaiming swamp and overflowed lands, so as to enable county commissioners to extend the time for the completion of the work.

Mr. Hardy presented the remonstrance of sundry citizens of Noble county, against a dissolution of the United States, or the State of Ohio, or of Noble county,

Which was referred to the committee on New Counties.

Mr. Marsh presented the petition of S. B. Brown and 64 other citizens of Dayton, praying the passage of an act encouraging counties to provide Houses of Refuge,

Which was referred to the committee on Benevolent Institutions.

Mr. Bundy, from the committee on Fees and Salaries, reported back S. B. No. 78, without amendment, and recommending its engrossment.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Marsh, from the committee on Municipal Corporations, reported back S. B. No. 99, with one amendment, and recommended its passage.

The question being on agreeing to the amendment, it was adopted, and the bill ordered to be engrossed and read the third time to-morrow.

Senate Bills Nos. 111, 112, 113 and 116 were severally read the second time and committed to the committee of the whole.

S. B. No. 110, was read the second time, and referred to Messrs. Matthews, Holmes and Converse, as a select committee of three.

H. B. No. 6; An act supplementary to an act defining the powers and duties of justices of the peace and constables in criminal cases,

Was read the third time,

And the question being, shall the bill pass?

The yeas and nays were ordered, and resulted—yeas 24, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Burnett, Canfield, Cattell, Gardner, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lewis, Marsh, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning and Warfel

Those who voted in the negative were—

Messrs. Converse, Kelley, Matthews and Willford—4.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 88 ; An act supplementary to an "act to confirm the charter of the Covington and Cincinnati Bridge Company, incorporated by an act of the General Assembly of Kentucky, passed February 17, 1846, with certain limitations," passed March 9, 1849,

Was read the third time,

And the question being, shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 24, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Bundy, Burnett, Cattell, Converse, Gardner, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lewis, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Warfel and Willford—24.

Those who voted in the negative were—

Messrs. Brown and Taylor of Mahoning—2.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 80 ; An act to adjust and settle with the Columbus and Sandusky Turnpike Company for certain property appropriated to the use of the State of Ohio,

Was read the third time,

And the question being on the passage of the bill,

Mr. Taylor of Mahoning moved to recommit the bill to the Judiciary committee, with instructions to amend as follows :

1st. Add to section 2 these words : "That the Attorney General shall include in the answer an averment that by reason of the neglect of the Company to keep the road in proper repair, and by neglect of their duties under the charter, said Company had forfeited their chartered rights."

2d. Add to section 3 as follows : "And provided further, that if the jury shall find that the company had violated their charter, no recovery shall be had, and the jury shall find specially upon this question."

And the question being on the reference with instructions,

Mr. Holmes moved to indefinitely postpone the bill, with pending amendments,

And the question being on indefinite postponement,

On motion of Mr. Taylor of Geauga, the Senate took a recess.

THREE O'CLOCK, P. M.

The question being on the indefinite postponement of S. B. No. 80,

Mr. Brasee moved a call of the Senate.

The roll was called, and the following Senators ascertained to be absent :

17—SENATE JOUR.

Those who voted in the negative were—

Messrs. Gardner, Holmes, Lewis, Taylor of Geauga, Taylor of Mahoning, and Warfel—6.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Brand, on leave, introduced the following bill, which was read the first time ;

S. B. No. 130 ; To amend the act entitled "an act to require mortgages or bills of sale of personal property to be deposited with Township Clerks," passed February 24, 1836.

Mr. Burnett, from the special committee, to whom was referred the petition of Joseph Walton, reported the following bill, which was read the first time .

S. B. No. 129 ; To authorize Joseph Walton, of Tuscarawas county, to institute suit against the State of Ohio for damages sustained by him in the construction of State works on, and adjacent to, the lands of said Walton.

On motion of Mr. Phelps, the House was requested to return to the Senate House bill No. 88. .

On motion of Mr. Lawder, the Senate resolved itself into committee of the whole, on the orders of the day—Mr. Phelps in the chair.

After some time spent therein the committee rose, and the Chairman reported back S. B. No. 92, without amendment.

Also, S. B. No. 93, with sundry amendments.

Also, S. B. No. 109, and had made progress therein, and asked leave to sit again,

Which was granted.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, MARCH 12, 1856.

Prayer by the Rev. Mr. Davis.

The following petitions were presented by the following Senators, and severally referred to the committee on the Judiciary :

By Mr. Hamilton, from C. W. B. Allison and other members of the bar of Logan county, praying certain amendments to the 33d section of the act defining the powers and duties of Justices of the Peace in criminal cases.

By Mr. Griswold, from Charles Stetson and sundry other members of the bar of Cuyahoga county, praying an increase of the salaries of supreme and common pleas Judges.

Mr. Musgrave presented the petition of sundry citizens of Ashland county, praying certain amendments of the school law,

Which was referred to the committee on Common Schools.

Mr. Lawder presented the petition of sundry citizens of Shelby county, on the same subject,

Which was referred to the same committee.

Mr. Hamilton, from the committee on Fees and Salaries, reported back S. B. No. 86, without amendment, and recommended its engrossment,

Which was agreed to, and the bill ordered to be read the third time to-morrow.

Mr. Musgrave, from the Committee on Claims, reported back H. B. No. 42, without amendment, and recommended its passage.

The bill was ordered to a third reading on to-morrow.

Mr. Brazee, from the Currency committee, reported back H. B. No. 38, without amendment, and recommended its passage.

The bill was ordered to a third reading to-morrow.

Mr. Brazee, special committee of one, to whom was recommitted S. B. No. 80; To adjust and settle with the Columbus and Sandusky Turnpike Company, for certain property appropriated to the use of the State of Ohio, reported the same back with three amendments,

Which were adopted,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 10, nays 18.

Those who voted in the affirmative were—

Messrs. Brand, Brazee, Brown, Burnett, Griswold, Heaton, Kelley, Marsh, Taylor of Geauga, and Warfel—10.

Those who voted in the negative, were—

Messrs. Baird, Canfield, Converse, Gardner, Hamilton, Hardy, Hawley, Holmes, Hyer, Kirk, Lawder, Lewis, Lunt, Matthews, Musgrave, Phelps, Taylor of Mahoning, and Willford—18.

So the bill, not having received a constitutional majority, was lost on its passage.

Mr. Holmes, from the special committee, to whom was referred S. B. No. 110, reported the same back with one amendment, and with the recommendation that the amendment be adopted, and the bill passed.

The question being on agreeing to the amendment, it was adopted, and the bill ordered to be engrossed and read the third time to-morrow.

S. B's Nos. 107, 114, 118, 119 and 125 were severally read the second time and committed to the committee of the whole Senate.

S. B. No. 115 was read the second time, and ordered to be engrossed and read the third time to-morrow.

H. B. No. 38; To repeal the act entitled "an act to amend the act supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper," passed February 24, 1848, was read the third time,

And the question being, shall the bill pass? the yeas and nays were ordered, and resulted—yeas 19, nays 7.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Burnett, Cattell, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Taylor of Geauga, and Warfel—19.

Those who voted in the negative were—

Messrs. Converse, Holmes, Matthews, Musgrave, Phelps, Taylor of Mahoning, and Willford—7.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 42; To provide for the payment of the claim of David C. Doan, was read the third time,

And the question being on its passage,

On motion of Mr. Brand, the bill was laid on the table.

S. B. No. 78; To amend the act to regulate the fees of officers in civil and criminal cases, was read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 24, nays 5.

Those who voted in the affirmative—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—24.

Those who voted in the negative were—

Messrs. Burnett, Canfield, Cattell, Hyer, and Lewis—5.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 99; To amend the act to provide for the organization of cities and incorporated villages, passed May 3, 1852, was read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Burnett, Canfield, Cattell, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—29.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Matthews, S. B. No. 58 was taken from the table, and committed to the committee of the whole.

Mr. Lewis, on leave of the Senate, withdrew his motion to reconsider the vote on House bill No. 88.

On motion of Mr. Holmes, S. B. No. 92 was taken from the table, and committed to Messrs. Holmes, Cattell and Hamilton as a special committee of three.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, to which the concurrence of the Senate is requested.

H. B. No. 109; Further defining the duties of County Treasurers.

H. B. No. 117; To authorize the Commissioners of Washington county to borrow money to pay the interest of July, 1846, on certain bonds issued by said county.

The House has passed Senate bill No. 56; "To provide for the government of schools and academies specially endowed," with an amendment.

Attest:

JAMES S. ROBINSON, Clerk.

The foregoing House bills, Nos. 109 and 117, were severally read the first time.

The question being on agreeing to House amendment to S. B. No. 56, the yeas and nays were ordered, and resulted—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Burnett, Canfield, Cattell, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—29.

So the amendments were concurred in.

Mr. Marsh offered for adoption the following joint resolution:

Resolved, by the General Assembly of the State of Ohio, That this General Assembly will adjourn on the ninth day of April, A.D. 1856, to the first Monday in January, A.D. 1857,

And the question being on the adoption of the resolution,

Mr. Kirk moved to lay it on the table,

Which motion was lost.

The question recurring on the adoption of the resolution,

Mr. Hardy moved to strike out the word "ninth," and insert in its place the word "third,"

Which motion was lost.

The question again recurring on the adoption of the resolution,

Mr. Holmes moved to strike out all after the words "ninth day of April," and insert, "sine die,"

And the question being on striking out and inserting,

On demand of Mr. Holmes, the yeas and nays were ordered, and resulted—yeas 7, nays 21.

Those who voted in the affirmative were—

Messrs. Baird, Canfield, Converse, Holmes, Kirk, Matthews and Phelps—7.

Those who voted in the negative were—

Messrs. Beatty, Brand, Brazee, Burnett, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—21.

So the amendment was disagreed to.

The question again recurring to the adoption of the resolution,

Mr. Matthews moved a call of the Senate.

The roll was called, and the following Senators found absent : Messrs. Brown, Buckland, Bundy, Gardner, Lawrence, Spencer and Willford.

On motion of Mr. Brazee, the absentees were excused, and all further proceedings under the call dispensed with.

The question again recurring on the adoption of the resolution,

The yeas and nays were demanded, ordered and resulted—yeas 22, nays 9.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Burnett, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—22.

Those who voted in the negative were—

Messrs. Baird, Canfield, Converse, Holmes, Kirk, Matthews, Musgrave, Phelps and Willford—9.

So the resolution was adopted.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Mr. Brown asked and obtained leave to record his vote on the passage of the resolution that this General Assembly adjourn on the 9th of April next to the first Monday of January, 1857; and thereupon Mr. Brown recorded his vote in the affirmative,

Mr. Gardner asked and obtained leave to record his vote on the same resolution, and thereupon voted in the affirmative,

Mr. Matthews moved to suspend the Rules to enable him to present a petition;

Which was agreed to,

Whereupon Mr. Matthews presented the petition of sundry citizens of Hamilton county, praying the passage of an act providing for the repair of a certain road in said county,

Which was referred to Messrs. Holmes, Matthews and Converse as a select committee of three.

Four communications, announcing appointments, were received from the Governor, by the hand of L. L. Rice, Private Secretary,

Which were laid on the table.

On motion of Mr. Marsh, a call of the Senate was had, and the following Senators found absent:

Messrs. Beatty, Buckland, Bundy, Converse, Heaton, Holmes, Lawder, Lawrence, Rush and Spencer.

On motion of Mr. Brand, the absentees were excused, and all further proceedings under the call were dispensed with.

On motion of Mr. Phelps, the Senate went into Executive Session on nominations sent in by the Governor.

The communications of the Governor announcing the appointment of collectors and inspectors were taken from the table and read.

Mr. Baird moved that the Senate do advise and consent to the appointment of Gideon Martin of Fairfield county, to be collector of tolls at Carroll.

And the question being on advising and consenting to the nomination of Gideon Martin,

The yeas and nays were ordered, and resulted—yeas 24, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Lewis, Marsh, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

Those who voted in the negative were—

Messrs. Holmes, Kelley, Kirk, Lunt, Matthews and Willford—6.

So the Senate advised and consented to the appointment of Gideon Martin to be collector of tolls at Carroll.

Mr. Marsh moved that the Senate do advise and consent to the appointment of Christian Forrer, of Montgomery county, to be inspector at Dayton.

And the question being on agreeing to the appointment,

The yeas and nays were ordered, and resulted—yeas 28, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Burnett, Canfield, Cattell, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—28.

Mr. Willford voted in the negative—1.

So the Senate advised and consented to the appointment of Christian Forrer to be inspector.

Mr. Matthews moved to suspend the Rules to enable a select committee to report;

Which was agreed to,

Whereupon Mr. Matthews, from said committee, to whom was referred the petition of sundry citizens of Cincinnati, reported by bill as follows :

S. B. No. 131 ; To authorize the repair of certain roads.

Mr. Matthews, on leave, introduced the following bill, which was read the first time :

S. B. No. 132 ; To repeal certain acts therein named.

Mr. Converse moved a suspension of the Rules, to enable him to present a petition ;

Which was agreed to,

Whereupon Mr. Converse presented the petition of John Ashley, C. E. Bruner, and 200 other tax payers of Hamilton county, asking that the powers of the commissioners of said county may be extended, to enable them to aid in the construction of a bridge, across the Whitewater River, near the Indiana State line,

Which was referred to Messrs. Converse, Holmes and Matthews as a special committee of three.

Mr. Kelley moved to suspend the Rules, to enable the Finance committee to report ;

Which was agreed to,

Whereupon Mr. Kelley, from said committee, reported back

H. B. No. 78 ; Making appropriations to pay the indebtedness of the benevolent institutions and for other purposes,

With sundry amendments, and recommended the adoption of the amendments, and the passage of the bill,

And the question being on agreeing to the amendments, reported, they were severally adopted, and ordered to be engrossed, and the bill read a third time to-morrow.

Mr. Heaton moved that the Rules be suspended, to enable a standing committee to report ;

Which was agreed to,

Whereupon Mr. Heaton, from the committee on Benevolent Institution, reported back H. B. No. 58, with sundry amendments, and recommended their adoption, and the passage of the bill.

On motion of Mr. Holmes, the bill and pending amendments were laid upon the table.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

THURSDAY, MARCH 13, 1856.

Prayer by the Rev. Mr. Davis.

Mr. Taylor of Mahoning asked and obtained further leave of absence for Mr. Buckland.

Mr. Matthews presented the petition of T. W. Fisher and 50 other citizens of Hamilton county, asking that a committee be appointed to examine into the expenditures of school funds for the purchase of township libraries ;

Which was referred to the committee on Schools and School Lands.

Mr. Rush presented the remonstrance of J. J. Worthington and 44 other citizens of Fayette county, against the passage of S. B. No. 51, fixing the compensation of county officers.

On motion of Mr. Rush, the remonstrance was laid on the table.

Mr. Lunt presented the remonstrance of the teachers of north-western Ohio, assembled in convention at Maumee City, against the repeal or material modification of the present school law ;

Which was referred to the committee on Common Schools and School Lands.

Mr. Kelley presented the remonstrance of R. H. Folger and sixty others, against the State assuming part of the Sandy and Beaver Canal ;

Which was referred to the committee on Public Works.

Mr. Hardy presented the petition of Benoni Staats of Washington county, praying sundry amendments to the Constitution of Ohio ;

Which was referred to the select committee on Constitutional Amendments.

Mr. Griswold presented the memorial of W. Maguire, asking compensation for loss sustained by the sinking of canal boat Shamrock, in the aqueduct at Tinker's Creek ;

Which was referred to the committee on Claims.

Mr. Musgrave, from the committee on Claims, to whom was referred the claim of George H. Riordan, reported by resolution, as follows :

Resolved, That there be paid to George H. Riordan for sixty-nine days attendance on the Supreme Court as messenger, at the December term, 1855, one hundred and thirty-eight dollars, and that the standing committee on Finance be directed to provide for the payment of the same in the general appropriation bill of the present year,

And the question being on agreeing to the resolution, it was adopted.

Mr. Canfield, from the committee on Schools and School Lands, reported back H. B. No. 51, without amendment, and recommended its passage.

Mr. Converse, from the select committee, to whom was referred the petition of sundry tax payers of Hamilton county, asking the powers of the commissioners of Hamilton county to be extended for certain purposes, reported by bill as follows :

S. B. No. 133 ; To authorize the commissioners of Hamilton county to aid in the construction of a bridge across the White Water River, near the village of Harrison, in said county ;

Which was read the first time.

S. B. No. 117, and H. B.'s Nos. 109 and 117, were severally read the second time, and committed to the committee of the whole Senate.

S. B. No. 86, was read the third time, and the question being, shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Burnett, Catte'l, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer and Taylor of Mahoning—27.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as follows :

An act to amend the 15th section of an act entitled " An act to regulate the fees of officers in civil and criminal cases," passed March 5, 1831.

S. B. No. 115 ; To authorize and regulate the sale of Section No. 23, and the surrender of permanent leases thereto, in the county of Gallia,

Was read the third time,

And the question being, shall the bill pass? the yeas and nays were ordered, and resulted—yeas 22, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Bundy, Burnett, Converse, Griswold, Hardy, Hawley, Holmes, Hyer, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer and Taylor of Mahoning—22.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 110; Authorizing the Trustees of Mill Creek township, Hamilton county, to appropriate moneys collected by special tax in said township, was read the third time,

And the question being, shall the bill pass? the yeas and nays were ordered, and resulted—yeas 24, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Burnett, Converse, Gardner, Griswold, Hardy, Hawley, Holmes, Hyer, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, and Warfel—24.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 57 was read the third time, and the question being, shall the bill pass?

On motion of Mr. Brand, the bill was temporarily laid on the table.

H. B. No. 78; Making appropriations to pay the indebtedness of the Benevolent Institutions, and for other purposes, was read the third time,

And the question being, shall the bill pass? the yeas and nays were ordered, and resulted—yeas 27, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Burnett, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, Warfel, and Willford—27.

Those who voted in the negative were—

Messrs. Brown, and Taylor of Geauga—2.

So the bill, having received a constitutional majority, was passed.

On motion of Mr. Kelley, the title was amended by striking out all after the word "and," and inserting instead thereof the words "the new State House."

The title, as amended, was then agreed to.

On motion of Mr. Kelley, the Senate went into Executive Session, for the purpose of considering nominations sent in by the Governor.

Mr. Kelley moved to reconsider the vote on advising and consenting to the nomination of Gideon Martin to be collector of tolls at Carroll.

The question being upon reconsideration, it was agreed to.

The business of the Executive session having been concluded, the session closed.

Message from the House of Representatives.

Mr. President :

The House has disagreed to Senate amendments to

H. B. No. 1 ; " To restore to the court of common pleas the jurisdiction of minor offences in certain counties in this State."

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Phelps, the Senate insisted on its amendments to H. B. No. 1 aforesaid, and asked a committee of Conference.

The President appointed Messrs. Phelps and Spencer, members of said committee on the part of the Senate.

Mr. Hardy, on leave, introduced the following bill, which was read the first time :

S. B. No. 134 ; To amend an act entitled " an act to provide for the organization of cities and incorporated villages," and the act amendatory thereto, passed March 11, 1853.

On motion of Mr. Brand, the Senate resolved itself into the committee of the whole, on the orders of the day—Mr. Phelps in the chair.

After some time spent therein, the committee rose, and the Chairman reported back S. B. No. 119, without amendment.

Also, S. B. No. 36, with sundry amendments.

Also, S. B. No. 107, with sundry amendments.

The Senate then took a recess.

THREE O'CLOCK P. M.

The President laid before the Senate a communication from the State Commissioner of Common Schools, in answer to Senate resolution requiring the said Commissioner to report the amount paid for books, apparatus, &c., for distribution throughout the State.

On motion of Mr. Phelps, the communication was laid on the table and ordered to be printed.

Mr. Heaton, from the committee on Benevolent Institutions, moved a suspension of the rules to enable said committee to report,

Which was agreed to.

Whereupon, Mr. Heaton, from said committee, submitted a report in answer to Senate resolution requiring said committee to report to the Senate the use that had been made of \$1,139 19 worth of liquors, furnished the Lunatic Asylum, at Columbus, during the months of May and November, 1854, which was read at Clerk's desk,

And the question being on agreeing to the report,

Mr. Matthews moved to recommit the same to the standing committee on Pub-

Thursday, March 13, 1856.

lic Benevolent Institutions, with instructions to report what use has been made of the articles designated in the original resolution of inquiry.

And the question being upon recommitting to the same committee, it was agreed to.

Mr. Kirk asked and obtained leave of absence until Tuesday next.

Mr. Phelps asked and obtained leave of absence until Wednesday next.

Mr. Rush moved a suspension of the rules to enable the committee on State Buildings to make a report,

Which was agreed to.

Whereupon, Mr. Rush, from said committee, submitted a report, accompanied by resolutions,

(See Appendix.)

In answer to Senate resolutions requiring said committee to report whether there is any law now in force creating the office of State House Commissioners ; and also, as to the expediency of raising a commission of Architects to determine certain matters in relation to the State House ; and in answer to certain other inquiries set forth in the resolutions,

An the question being on agreeing to the report,

Mr. Matthews moved to lay the report and resolutions on the table, and that they be printed,

And the question being on laying on the table and printing,

A division of the question being called for, it turned on laying the report on the table and printing,

Which was agreed to.

The question then being, shall the resolution be laid on the table and printed ?

It was disagreed to.

The question recurring on the adoption of the resolution,

Mr. Kelley moved to amend the resolution by striking out the words, " and can be done without violation of contract,"

And the question being upon striking out, the yeas and nays were demanded, ordered, and resulted—yeas 18, nays 12.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Burnett, Cattell, Griswold, Hamilton, Hardy, Heaton, Kelley, Lawder, Lewis, Lunt, Marsh, Spencer, Taylor of Geauga, and Warfel—18.

Those who voted in the negative were—

Messrs. Baird, Canfield, Converse, Gardner, Hawley, Holmes, Hyer, Kirk, Matthews, Musgrave, Rush, and Taylor of Mahoning—12.

So the motion to strike out prevailed.

The question then being upon agreeing to the resolution, as amended, the yeas and nays were demanded, ordered, and resulted—yeas 24, nays 7.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Burnett, Canfield, Cattell, Gardner, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave Rush, Spencer, Taylor of Geauga, and Warfel—24.

Those who voted in the negative, were—

Messrs. Baird, Converse, Hamilton, Holmes, Matthews, Taylor of Mahoning, and Willford—7.

So the resolution was adopted as follows :

Resolved, by the General Assembly of the State of Ohio, That the new State House Commissioners be, and the same are hereby requested to discharge all persons employed upon the construction of the new State House, so far as is practicable ; and that said Commissioners be, and the same are hereby instructed and required to make no contracts and incur no expenditures either for materials or labor for the further construction and completion of said building, until the further action of the General Assembly.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Brazee in the chair.

After some time spent therein, the committee rose and the Chairman reported back S. B. No. 112, with one amendment, to wit : In line 2, section 3, after the word "incorporated," insert these words : "or shall neglect."

The question being on agreeing to the amendment, it was adopted, and the bill ordered to be engrossed and read the third time to-morrow.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

FRIDAY, MARCH 14, 1856.

Prayer by Rev. Mr. Davis.

Mr. Griswold presented the petition of Samuel Starkweather and 34 other judges and members of the bar of Cuyahoga county, asking that the August term of the court of common pleas for that county be dispensed with,

Which was laid on the table.

Also, the remonstrance of Reuben Wood and 28 other citizens of Cuyahoga county against the repeal or essential modification of the school law,

Which was referred to the committee on Schools and School Lands.

Mr. Heaton presented the memorial of Wm. McAdams, praying the passage of the bill providing for a geological survey of Ohio,

Which was referred to the special committee on that subject.

S. B.'s Nos. 120 and 124 were severally read the second time, and committed to the committee of the whole Senate.

H. B. No. 127; Relating to section 29, in Springfield township, Hamilton county, was read the second time and ordered to be engrossed at the Clerk's desk.

On motion of Mr. Matthews, the constitutional rule was suspended, and the bill read a third time,

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 27, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Burnett, Canfield, Cattall, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Holmes, Hyer, Kelley, Lawder, Lewis, Marsh, Matthews, Musgrave, Rush, Spencer, Taylor of Mahoning, Warfel, and Willford—27.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 112 was read the third time,

And the question being, shall the bill pass?

On motion of Mr. Brazee, the bill was recommitted to Mr. Brown as a select committee of one.

Mr. Griswold, on leave, introduced the following bill, which was read the first time:

S. B. No. 125; A bill to fix the time for holding the terms of the Court of Common Pleas in the county of Cuyahoga.

Mr. Rush gave notice, that on to-morrow or some subsequent day of the session, he would introduce a bill to provide for the incorporation of Mutual Fire Insurance Companies.

On motion of Mr. Holmes, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Beatty in the chair.

After some time spent therein, the committee rose, and the chairman reported back S. B. No. 111, with one amendment.

And the question being on agreeing to the amendment,

On motion, the bill was laid on the table.

Mr. Taylor of Mahoning, from the Finance committee, on leave, introduced the following bill, which was read the first time:

S. B. No. 136; A bill to provide for the payment of the public debt of the State due January 1, 1857.

On motion of Mr. Taylor of Mahoning, the constitutional rule was suspended, and the bill read the second time by its title.

The bill was then referred to the committee on Finance.

Mr. Heaton, from the committee on Benevolent Institutions, reported back H. B. No. 29, without amendment, and recommended its passage.

The bill was then read the third time, and laid on the table.

On motion of Mr. Matthews, the committee of the whole was discharged from any further consideration of S. B. No. 106, and the same was recommitted to Mr. Matthews, as a select committee of one.

Mr. Lewis asked and obtained leave of absence until Tuesday next.

The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Brown, a call of the Senate was had, and the following Senators ascertained to be absent, viz :

Messrs. Baird, Beatty, Brand, Buckland, Bundy, Burnett, Converse, Hamilton, Hyer, Kirk, Lawrence, Lewis, Marsh, Matthews, Phelps, Rush, Warfel and Willford.

Messrs. Brand, Converse, Bundy, Buckland, Kirk and Lewis, were excused.

On motion of Mr. Spencer, all further proceedings under the call were dispensed with.

Mr. Griswold, on leave, introduced the following bill, which was read the first time :

S. B. No. 137 ; A bill defining the jurisdiction of justices of the peace and other officers in the city of Cleveland, and detaching a portion of said city from Brooklyn township.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Canfield in the chair.

After some time spent therein, the committee rose, and the chairman reported back S. B. No. 105, without amendment,

Which was laid on the table.

Also, S. B. No. 85, with two amendments.

Mr. Brown moved to lay the bill, with pending amendments, on the table.

Upon which question, Mr. Matthews demanded the yeas and nays, which were ordered, and resulted—yeas 22, nays 5.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Heaton, Kelley, Lawder, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, and Warfel—22.

Those who voted in the negative were—

Messrs. Hawley, Holmes, Hyer, Matthews and Taylor of Mahoning—5.

So the motion prevailed.

Mr. Matthews asked and obtained leave of absence until Wednesday next.

Mr. Holmes gave notice that he would, on to-morrow, ask leave to introduce a bill to amend the act entitled "an act for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

Mr. Lunt moved to reconsider the vote upon the passage of S. B. No. 80,

And the question being upon reconsideration, Mr. Taylor of Geauga moved to lay the motion on the table, which motion prevailed.

Mr. Baird moved to suspend the rules to enable the select committee to whom was referred S. B. No. 103, to make a report,

Which was agreed to.

Whereupon said committee reported back said bill with one amendment, which was agreed to, and the bill committed to the committee of the whole.

Mr. Musgrave, on leave, introduced the following bill, which was read the first time :

S. B. No. 138 ; A bill authorizing Cemetery Associations heretofore incorporated to avail themselves of the provisions of an act entitled "an act making provision for the incorporation of Cemetery Associations," passed February 24, 1848.

Mr. Hamilton asked and obtained leave to change his vote on the amendment offered by Mr. Kelley, to strike out the words "and can be done without violation of contract," from Senate Joint Resolution suspending work on the New State House,

And, thereupon, Mr. Hamilton voted nay.

The Senate then adjourned.

Attest :

W T. BASCOM, Clerk.

SATURDAY, MARCH 15, 1856.

Prayer by the Rev. Mr. Davis.

Mr. Canfield presented the remonstrance of J. W. Bates and 38 others ; also, of C. F. Ludwig and 21 others ; also, of S. Lane and 36 others ; also, of John Burchard and 27 others ; also, of A. C. Burdick and 28 others ; also, of P. C. Bonte and 28 others ; also, of R. Long and 31 others ; also, of P. Huber and 35 others, all citizens of Hamilton county, and remonstrating against any material alteration of the present school law.

On motion of Mr. Canfield, these several remonstrances were referred to the standing committee on Common Schools and School Lands.

Mr. Musgrave presented the remonstrance of Robert McGill and 35 others, citizens of Ashland county, on the same subject,

Which was referred to the same committee.

Mr. Heaton presented the petition of G. Longstreet and 33 others, citizens of Warren and Butler counties, in relation to the Warren county Canal.

On motion of Mr. Heaton, the petition was referred to the standing committee on Public Works.

Mr. Lunt presented certain affidavits in relation to the claim of McDaniel Osborne, which, upon his motion, were referred to the committee on Public Works and Public Lands.

Mr. Brand presented the memorial of J. Ridenour, Jr., asking to have a law passed compelling railroads to provide three tracks of rails, one for freight trains, and two for passenger trains ; also, compelling railroad companies to fence and bridge their roads.

Said memorial was laid upon the table.

Mr. Hawley, from the joint standing committee on Enrollment, reported that they have examined and found correctly enrolled, the following :

H. B. No. 78 ; Making appropriations to pay the indebtedness of the Benevolent Institutions and the New State House.

Mr. Hyer, as a select committee of one, reported back S. B. No. 45 ; To amend the 7th section of an act entitled "an act for the prevention of certain immoral practices," with the following amendments :

1st amendment : Change "section 1," to "section 7."

2d amendment : At the end of section 7, add the following : "Provided, however, that this section shall not apply to alleys attached to common schools, academies or colleges."

The several amendments were agreed to, and the bill was ordered to be engrossed, and read the third time on Wednesday next

S. B. No. 122, was read the second time, and referred to Mr. Taylor of Geauga, as a special committee of one.

S. B. No. 129, was read the second time, and referred to the committee on Public Works and Public Lands.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate amendment to H. B. No. 78 ; An act making appropriations to pay the indebtedness of the Benevolent Institutions and the New State House.

Attest :

JAMES S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed H. B. No. 71 ; Further to amend, and supplementary to an act, entitled an act securing the benefits of the writ of habeas corpus.

Attest :

JAMES S. ROBINSON, Clerk.

The above named bill was then read the first time.

The constitutional rule was then suspended, and the bill was then read the second time by its title, and committed to the committee of the whole, and be made the special order for Wednesday next.

Message from the House of Representatives.

Mr. President :

The House has passed H. B. No. 77 ; "Further defining the duties of coroners," in which the concurrence of the Senate is requested.

The House has also passed Senate Joint Resolution "relative to adjournment of the Legislature."

Attest :

J. S. ROBINSON, Clerk.

The above named H. B. No. 77, was then read the first time.

Message from the House of Representatives.

Mr. President :

The House has acceded to the request of the Senate, and the Speaker has appointed Messrs. Egly, Blakeslee and Corry, as a committee of conference on the part of the House, in the matter of difference between the two Houses on the resolutions "relative to the improvement of the Falls of the Ohio."

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bill :

H. B. No. 78 ; Making appropriations to pay the indebtedness of the Benevolent Institutions and the New State House.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, in the presence of the Senate, then signed the foregoing bill.

Mr. Holmes, on notice, introduced

S. B. No. 140 ; To amend the act entitled an act for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852 ;

Which was read the first time.

On motion of Mr. Heatón, it was

Resolved, That the committee on Public Works and Public Lands be instructed as soon as in their power, to inquire and report by what authority, and in what manner a sale was made of the Warren county canal—whether the opinion of the Attorney General was complied with in the case—whether such bond and security was given by the purchasers as was intended by law.

On motion of Mr. Kelley, it was

Resolved, That the standing committee on Public Benevolent Institutions, the standing committee on Public Printing, and the standing committee on Fees and Salaries be instructed severally to report to the Senate, as soon as practicable, the sums required to support those institutions, to pay for public printing, and to pay the salaries of public officers for the current year.

On motion of Mr. Willford,

H. B. No. 29 ; To ascertain the number and other facts respecting deaf and dumb, blind, insane and idiotic persons in the State of Ohio,

Was taken from the table.

Mr. Willford offered the following amendment, to come in after the first section :

And also, if any of the lunatic, insane or idiots, deaf and dumb, or blind, are crossed with any blood other than that of the white race, and if so, to what extent; and also to note the number that are crossed with African blood, and the number that are crossed with Indian blood (if any there be,) and make return thereof according to the provisions of this act.

Upon this amendment, Mr. Willford demanded the yeas and nays,

And the question being on agreeing to the amendment, the yeas and nays were ordered and resulted—yeas 3, nays 23.

* Those who voted in the affirmative were—
Messrs. Baird, Holmes and Willford—3.

Those who voted in the negative were—
Messrs. Beatty, Brand, Brown, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawder, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—23.

So the amendment was lost.

Mr. Willford then moved to indefinitely postpone the bill,

And the question being on the indefinite postponement of said bill, the yeas and nays were demanded and ordered and resulted—yeas 3, nays 22.

Those who voted in the affirmative, were—
Messrs. Hawley, Holmes and Willford—3.

Those who voted in the negative were—
Messrs. Baird, Beatty, Brand, Brown, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Heaton, Hyer, Kelley, Lawder, Lunt, Marsh, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—22.

So the motion to indefinitely postpone was lost.

And the question then being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 23, nays 3.

Those who voted in the affirmative were—
Messrs. Baird, Beatty, Brand, Brown, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Heaton, Hyer, Kelley, Lawder, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—23.

Those who voted in the negative were—
Messrs. Hawley, Holmes and Willford—3.

So the bill having received a constitutional majority, was passed.

And the title was ordered to be as aforesaid.

Mr. Canfield moved to take from the table.

S. B. No. 87 ; To authorize railroad companies to appoint a Vice President, and to define his duties ;

Which was agreed to.

On motion of Mr. Canfield, the bill was committed to a select committee of one, Mr. Canfield.

Mr. Canfield, as a select committee of one, reported back said bill, with one amendment : to strike out the word " may," in the third line of the first section, and substitute therefor the word " shall ;"

Which amendment was agreed to,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 24, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawder, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Mahoning, Warfel and Willford—24.

Mr. Holmes voted in the negative.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

The joint committee on Enrollment, reported that the following engrossed bills and joint resolutions are correctly enrolled, viz :

S. B. No. 49 ; To amend the act entitled an act to establish a code of civil procedure, passed March 11, 1853.

S. B. No. 60 ; To amend an act to establish the Superior Court of Cincinnati, passed April 7, 1854.

S. B. No. 70 ; To provide for holding the terms of the District Courts in the several counties of the third common pleas district of Ohio.

S. B. No. 72 ; To amend the 16th section of an act entitled an act relating to the organization of courts of justice, and their powers and duties, passed February 19, 1852.

S. B. No. 96 ; To amend the act to fix and provide for holding the terms of the Courts of Common Pleas in the several counties of the 3d judicial district of Ohio, passed February 20, 1856.

S. B. No. 121 ; To amend an act entitled an act to fix and provide for holding the Courts of Common Pleas in the 6th judicial district of the State, passed Feb. 6, 1854.

S. J. R. ; In relation to an appropriation by Congress to improve the harbors on the northern lakes.

S. J. R. ; Relative to supplying ten copies of Statutes to Ashland county.

S. J. R. ; Requesting our Senators and Representatives in Congress to aid in the passage of a law granting pensions to the soldiers of the war of 1812.

H. B. No. 46 ; Authorizing the Governor to lay out and sell certain portions of the old Penitentiary lot in the city of Columbus.

H. B. No. 62 ; Supplementary to an act entitled an act to provide for draining and reclaiming swamp and overflowed lands granted to the State of Ohio by act of Congress approved Sept. 28, 1852, passed March 2, 1853.

H. B. No. 38 ; To repeal the act entitled an act to amend the act supplementary to the act to prevent unauthorized banking and the circulation of unauthorized bank paper, passed Feb. 24, 1848.

H. B. No. 65 ; To amend an act entitled an act authorizing county commissioners to grant further time for the completion of free turnpike roads and paying for the same.

Mr. Brazee, from the Currency committee, asked and obtained leave to introduce

S. B. No. 139 ; To incorporate the Bank of Ohio and other banks.

On motion, the constitutional rule was dispensed with, and the bill was read the first time by its title.

On motion of Mr. Lawder, the Senate resolved itself into committee of the whole, Mr. Rush in the chair,

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration

S. B. No. 94; To regulate the running of railroads,

And having made progress therein, asked leave to sit again, which leave was granted.

On motion of Mr. Hamilton, it was

Resolved, by the General Assembly of the State of Ohio, That there be printed 1000 extra copies of Senate bill No. 139, entitled a bill to incorporate the Bank of Ohio and other Banks, and that the printer be and is hereby instructed to have the same printed forthwith, and in advance of any other bills ordered to be printed.

Mr. Canfield moved that the Senate adjourn,

And the question being on adjournment,

Mr. Brown demanded the yeas and nays, and the same being ordered, resulted—yeas 7, nays 15.

Those who voted in the affirmative were—

Messrs. Brazee, Canfield, Gardner, Hamilton, Holmes, Kelley and Spencer—7.

Those who voted in the negative, were—

Messrs. Baird, Beatty, Brand, Brown, Burnett, Cattell, Griswold, Hardy, Heaton, Hyer, Lawder, Lunt, Rush, Taylor of Geauga and Warfel—15.

So the motion to adjourn was lost.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Mr. Griswold, on leave, introduced the following bills:

S. B. No. 141; For the punishment of a crime therein named.

S. B. No. 142; To amend an act for the punishment of certain offences therein named, passed March 8, 1831;

Which were severally read the first time.

Mr. Brand introduced the following bill, which was read the first time:

S. B. No. 143; To protect the investments of municipal corporations in the stock of railroad companies.

Mr. Hawley moved to take from the table

S. B. No. 81; To prevent kidnapping;

Which was agreed to.

The amendments proposed in committee of the whole to the said bill were agreed to, and the bill as amended, ordered to its second reading.

On motion of Mr. Griswold, the Senate resolved itself into a committee of the whole, Mr. Rush in the chair,

After some time spent therein, the committee rose, and the chairman reported that they had had under consideration,

S. B. No. 94 ; To regulate the running of railroads, and having made progress therein, asked leave to sit again,

Which was granted.

On motion of Mr. Hamilton, the Senate took from the table S. B. No. 63.

Mr. Hamilton moved that said bill, with the pending amendments, be referred to select committee of three ;

Which was agreed to.

The President thereupon appointed Messrs. Hamilton, Holmes and Phelps, as said committee.

The President appointed Messrs. Holmes and Baird as a committee of conference on the part of the Senate, on the difference between the two Houses on Senate joint resolution relating to an appropriation by Congress to construct a canal round the falls of the Ohio River on the Indiana side.

On motion of Mr. Marsh, the sent went into executive session on the nominations sent to the Senate by the Governor.

Mr. Baird moved that the Senate do advise and consent to the appointment of James H. Mitchell of Montgomery county, to be collector of tolls at Dayton,

And the question being on advising and consenting to the appointment of James H. Mitchell,

The yeas and nays were ordered and resulted, yeas 23, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brown, Burnett, Canfield, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawder, Lunt, Marsh, Musgrave, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—23.

So the Senate advised and consented to the appointment of James H. Mitchell to be collector of tolls at Dayton.

Mr. Marsh moved that the Senate do advise and consent to the appointment of Benjamin Tresenrider of Franklin county, to be collector of tolls at Columbus,

And the question being on advising and consenting to the appointment of Benjamin Tresenrider,

The yeas and nays were ordered and resulted—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brown, Burnett, Canfield, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawder, Lunt, Marsh, Musgrave, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—23.

So the Senate advised and consented to the appointment of Benjamin Tresenrider to be collector of tolls at Columbus.

The business of the executive session having closed,

The Senate adjourned.

Attest :

W. T. BASCOM, Clerk.

MONDAY, MARCH 17, 1856.

Prayer by the Rev. Mr. Morris.

Mr. Spencer presented the petition of James Sherwood and ten others, members of the bar of Perry county, asking an increase of salaries of Common Pleas and Supreme Court Judges.

On motion of Mr. Spencer, the petition was referred to the Judiciary committee.

Mr. Heaton presented the petition of Daniel Skinner and 35 others. Also, of John R. Lewis and 26 others. Also, of James Clark and 46 others. Also, of Z. W. Selbey and 22 others, all of Butler county, remonstrating against the repeal or essential modification of the present school law.

Also, the petition of Langdon Sheaff, W. B. Oglesby and 59 others, citizens of Butler county, against the repeal of that portion of the school law in relation to Libraries.

On motion of Mr. Heaton, the above several petitions were referred to the standing committee on Common Schools and School Lands.

Mr. Marsh presented the petition of John V. Campbell and 46 others, citizens of Preble county, remonstrating against the repeal or essential modification of the present school law of the State.

On motion of Mr. Marsh, the above petition was referred to the committee on Common Schools and School Lands.

Mr. Spencer, from a majority of the Judiciary committee to whom was referred

S. B. No. 40, with pending amendments, reported the same back and recommended that the bill as amended, striking out all after the enacting clause, and inserting a bill applying alone to the Wheeling and Cadiz Consolidated Plank Road Company, be passed.

On motion of Mr. Spencer, the said

S. B. No. 40, was ordered to be engrossed, and read the third time to-morrow.

Mr. Hamilton, from a select committee, reported back

S. B. No. 63; Supplementary to an act entitled "an act prescribing the duties of Supervisors, and relating to roads and highways," passed February 15, 1853, with amendments,

Reported the same back with a recommendation that they be adopted.

The several amendments were adopted, and the bill as amended ordered to be engrossed, and read the third time to-morrow.

Mr. Holmes, from the select committee to whom had been referred

S. B. No. 92; Establishing the office of county Surveyor, &c,

Reported the same back with amendments.

On motion of Mr. Holmes, the bill, with pending amendments, was committed to a special committee, with instructions to strike out the fourth section of said bill.

The President appointed Messrs. Holmes and Baird as said committee.

Senate Bills Nos. 134, 126, 123 and 128 were severally read the second time, and committed to the committee of the whole Senate.

S. B. No. 61, was read the second time, and referred to the Judiciary committee.

H. B. No. 77, was read the second time, and committed to the committee of the whole Senate.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills in which the concurrence of the Senate is requested :

H. B. No 26 ; To amend an act entitled "an act to regulate the fees of officers in civil and criminal cases," passed March 5, 1831.

H. B. No. 72 ; Supplementary to the act entitled an act to preserve the purity of elections, passed May 20, 1840.

Attest :

JAMES S. ROBINSON, Clerk.

The above several bills were then read the first time,

On motion of Mr. Rush, it was

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State is hereby requested to furnish to the Clerk of the Court of Common Pleas of Fayette county, for the use of said Clerk's office, vols. 11, 12, 13, 14, 16, 17, 18 and 19 of the Ohio Reports.

Mr. Brown, on leave, introduced the following bills, which were severally read the first time :

S. B. No. 144 ; To punish the ministerial officers of counties, townships, villages and cities in the State of Ohio for aiding in the capture of fugitives from slavery.

S. B. No. 145 ; To punish the citizens of Ohio for voluntarily engaging in slave catching.

S. B. No. 146 ; To prevent the jails and prisons of Ohio from being used for the purpose of confining, detaining or imprisoning so called fugitives from slavery.

S. B. No. 147 ; To enable and compel sheriffs and other ministerial officers in this State to arrest, imprison and hold any person who has violated the criminal law of Ohio, so that such offender shall be forthcoming to answer such charge, and abide the orders and final judgment and sentence of the proper State tribunal.

On motion of Mr. Hamilton, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Spencer in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration

S. B. No. 98 ; Had made progress therein, and asked leave to sit again. Which was granted.

The Senate then took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President :

The Speaker, in the presence of the House, has signed the following enrolled bills and joint resolutions :

H. B. No. 38 ; To repeal the act entitled "an act to amend the act supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper," passed February 24, 1848.

H. B. No. 62 ; Supplementary to an act entitled an act to provide for draining

and reclaiming swamp and overflowed lands granted to the State of Ohio by act of Congress approved September 28, 1850, passed March 2, 1853.

H. B. No. 65 ; To amend an act entitled an act authorizing county commissioners to grant further time for the completion of free turnpike roads, and paying for the same.

S. B. No. 49 ; To amend the act entitled an act to establish a code of civil procedure, passed March 11, 1853.

S. B. No. 60 ; To amend an act to establish the Superior Court of Cincinnati, passed April 7, 1854.

S. B. No. 70 ; To provide for holding the terms of the district court in the several counties in the third common pleas district in the State of Ohio.

S. B. No. 72 ; To amend the 16th section of an act entitled "an act relating to the organization of courts of justice, and their powers and duties, passed February 19, 1852.

S. B. No. 96 ; To amend an act to fix and provide for holding the terms of the court of common pleas in the several counties of the third judicial district of Ohio, passed February 20, 1856.

S. B. No. 121 ; To amend an act entitled "an act to fix and provide for holding the court of common pleas in the sixth judicial district of Ohio, passed February 6, 1854.

H. B. No. 46 ; authorizing the Governor to lay out and sell certain portions of the old Penitentiary lot in the city of Columbus.

S. J. R. No. 4 ; Requesting our Senators and Representatives in Congress to aid in the passage of a law granting pensions to the soldiers of the war of 1812.

S. J. R. No. 5 ; Relative to supplying ten copies of statutes to Ashland county.

S. J. R. No. 6 ; In relation to an appropriation by Congress to improve the harbors on the Northern lakes.

Attest:

J. S. ROBINSON, Clerk.

The President then, in presence of the Senate, signed the foregoing bills and joint resolutions.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate amendment to H. B. No. 6, with the exception of the words "nor to the offence of petit larceny," which amendment the House amends by striking out said words, and asks the concurrence of the Senate in said amendment to Senate amendment.

Attest:

J. S. ROBINSON, Clerk.

The Senate then agreed to House amendment to H. B. No. 6, as above named.

On motion of Mr. Holmes, the Senate then resolved itself into committee of the whole—Mr. Spencer in the chair.

After some time spent therein, the committee rose, and the chairman reported back S. B. No. 98, with sundry amendments.

On motion of Mr. Hamilton, the bill and amendments were referred to the committee on Temperance.

On motion of Mr. Canfield, it was

Resolved, That the Hon. Salmon P. Chase, Governor of the State of Ohio, be, and is hereby requested to communicate to the Senate copies of all official documents, letters, correspondence and other papers relating to the late requisition made by him upon the executive of the State of Kentucky for the persons of Margaret Garner and others, accused of the crime of murder, alleged to have been committed within the limits of the State of Ohio; and that he be further requested to communicate therewith an official statement of the facts and circumstances leading to and connected with such requisition.

Mr. Beatty offered for adoption the following resolution :

Resolved, That the standing committee on Finance be instructed to inquire into the expediency of abolishing the law creating the office of Inspector of Liquors in the State of Ohio.

On motion of Mr. Heaton, the above resolution was laid upon the table.

The Senate then adjourned.

Attest

W. T. BASCOM, Clerk.

TUESDAY, MARCH 18, 1856.

Prayer by Rev. Mr. Morris.

Mr. Gardner presented the petition of sundry citizens of this State, praying the passage of a law compelling railroad companies to fence their roads,

Which was referred to the committee on Railroads.

Mr. Hardy presented the remonstrance of Henry Scofield and 85 others against the taking of tolls at bridges on plank roads,

Which was referred to the same committee.

Also, the petition of the Prairie Shooting Club of Cincinnati, Ohio, praying the passage of a law for the protection of game in Ohio,

Which was referred to the select committee on that subject.

Mr. Matthews presented the petition of sundry citizens of Hamilton county, praying the passage of a law authorizing the authorities of Cincinnati to contract with the Clifton Avenue Turnpike and Plankroad Company to pave and keep in order for 15 years North Elm street, in said city.

On motion, the petition was referred to Messrs. Matthews, Holmes and Baird, as a select committee of three.

Mr. Canfield presented the memorial of Hunter Brook and nine other members of the City Council of the city of Cincinnati; of J. F. Patton and 71 others citizens of Walnut Hill, Hamilton county; G. D. Treat, M. Atkins, J. Waggoner, John Stoltz, S. S. Smith, and 1,626 other citizens of Cincinnati, remonstrating against any change in the provisions of the school law relating to the office of State Commissioner, Township Boards of Education and County Examiners, and to school libraries; but praying that the school tax be expended in the counties where raised.

On motion of Mr. Canfield, the several remonstrances were referred to the committee on Schools and School Lands.

Mr. Rush, from the committee on State Buildings, reported the following bill, which was read the first time :

S. B. No. 148 ; To provide for the prosecution of the new State House, prescribing the order in which it shall be done, and making appropriations therefor.

Mr. Holmes from the select committee to whom was recommitted S. B. No. 92, reported the same back with sundry amendments, which were agreed to, and the bill ordered to be engrossed and read the third time to-morrow.

Mr. Matthews, from the select committee to whom was referred the petition of sundry citizens of Hamilton county, praying the passage of a law authorizing the authorities of Cincinnati to contract with the Clifton Avenue Turnpike and Plankroad Company for certain purposes, reported by bill, as follows, which was read the first time.

S. B. No. 149 ; To authorize the city of Cincinnati to contract with the Clifton Avenue Turnpike and Plankroad company, for certain purposes.

H. B's Nos. 26 and 72 were severally read the second time, and committed to the committee of the whole Senate.

S. B. No. 63 was read the third time, and recommitted to Messrs. Taylor of Mahoning, Holmes and Hamilton, as a select committee of three.

S. B. No. 40 ; Supplementary to an act entitled " an act to provide for the creation and regulation of incorporated companies in the State of Ohio," was read the third time,

And the question being, shall the bill pass ?

The yeas and nays were ordered and resulted—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Braze, Brown, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning Warfel, and Willford—28.

So the bill, having received a constitutional majority, was passed.

On motion of Mr. Spencer, the title was amended by striking out all after the words " an act," and inserting as follows : " To fix the rate of toll to be charged by the Wheeling and Cadiz consolidated Plankroad Company."

The title, as amended, was then agreed to.

On motion of Mr. Griswold, S. B. No. 36, with pending amendments proposed in committee of the whole, was taken from the table, and the amendments severally adopted, except the first and fifth, which were disagreed to.

The bill was then ordered to be engrossed, and read the third time to-morrow.

Mr. Taylor of Geauga, select committee to whom was referred S. B. No. 122, reported the same back with sundry amendments, which were severally agreed to, and the bill recommitted to the committee of the whole.

On motion of Mr. Kirk, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Taylor of Mahoning in the chair.

After some time spent therein the committee rose, and the Chairman reported back S. B. No. 125, with one amendment,

Which was agreed to.

And the question being upon the engrossment of the bill,

Mr. Brown offered, as an amendment, the following additional section :

Sec. 9. This act shall not be so construed as to impair the rights of any person, or persons, who have deposited any wheat or produce in the warehouses of said company, and which the company may have converted to its own use, but such liability shall be first paid in full.

And the question being on agreeing to the amendment,

Mr. Taylor of Mahoning, moved to amend the amendment, by adding as follows :

"Except where the owners of the claims may have agreed to a mode of compensation, different from that herein provided for."

And the question being on agreeing to the amendment to the amendment,

The Senate took a recess.

THREE O'CLOCK, P. M.

On leave of the Senate, Mr. Brown withdrew his amendment, and offered the following as a substitute for the same :

"Sec. 9. This act shall not be so construed as to postpone the right of any person or persons who shall have deposited any wheat or produce in the warehouses of said company, and which the company may have converted to its own use, to the payment of any dividend to the stockholders, but before any such dividend to stockholders shall be paid, persons having such claims shall be paid the same in full.

And the question being on adopting the substitute,

Mr. Taylor of Mahoning, renewed his motion to amend the amendment as follows :

Provided, That no person holding any such claim, who shall have entered into the agreement for the settlement or adjustment of the affairs of said company, shall derive any benefit under this section,

Which motion, to amend the amendment, was agreed to.

And the question being on the substitute, as amended,

The yeas and nays were demanded, ordered, and resulted—yeas 19, nays 7.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brown, Burnett, Canfield, Cattell, Gardner, Hardy, Hawley, Heaton, Holmes, Hyer, Lawder, Lunt, Matthews, Musgrave, Taylor of Geauga, Taylor of Mahoning, and Warfel—19.

Those who voted in the negative were—

Messrs. Brazee, Griswold, Kelley, Kirk, Marsh, Spencer, and Willford—7.

So the amendment, offered as a substitute, was adopted.

On motion of Mr. Kirk, the bill, as amended, was ordered to be engrossed and read the third time to-morrow.

The chairman of the committee of the whole, also reported back S. B. No. 126, with two amendments, which were severally agreed to, and the bill ordered to be engrossed and read the third time to-morrow.

Also, S. B. No. 123, with one amendment, which was agreed to, and the bill ordered to be engrossed and read the third time to-morrow.

Mr. Matthews, from the select committee, to whom was referred S. B. No. 106, reported the same back with sundry amendments, which were adopted, and the bill ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Kelley, it was

Resolved, That the committee on Municipal Corporations be instructed to inquire into the expediency of limiting the rate, or per centum of tax to be levied in cities and incorporated villages, for purposes other than for the payment of principal and interest on the debts of such cities or villages; and of graduating such rate or per centum of tax in the inverse ratio of the aggregate amount of taxable property in such city or village; and that they report by bill or otherwise; and further, that said committee be instructed to inquire into the expediency of limiting the rate or amount of special, local taxes that may be levied by the corporate authorities of cities and villages to pay for local improvements, and report thereon by bill or otherwise.

Mr. Canfield, on leave, introduced the following bill, which was read the first time:

S. B. No. 150; To enable the receivers of mutual fire insurance companies more effectually to collect the debts due to such companies.

On motion of Mr. Brazer, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Rush in the chair.

After some time spent therein the committee rose, and the Chairman reported that the committee had made progress in the consideration of S. B. No. 94, and asked leave to sit again,

Which was granted.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

WEDNESDAY, MARCH 19, 1856.

Prayer by the Rev. Mr. Morris.

Mr. Buckland presented the memorial of Nathan P. Bridge, asking the State to refund money paid for lands sold by the State without title,

Which was referred to the committee on Claims.

Mr. Brand presented the petition of J. Ridenour, Jr., praying sundry amendments of the law concerning lunatics,

Which was referred to the committee on Benevolent Institutions.

Mr. Hyer presented the remonstrance of Wm. Wilson and 28 other citizens of Highland county, against the passage of a law to discharge the purchasers of the

Zanesville and Maysville Turnpike Road Company from the performance of so much of their contract as requires the completion of that portion of said road lying between the town of Bainbridge and the village of Licking Springs. Also, the remonstrance of A. O. Hewett and 72 others on the same subject,

Which remonstrances were severally referred to the committee on Railroads and Turnpikes.

Mr. Griswold, from the committee on the Judiciary, reported back S. B. No. 68, and recommended its passage.

The bill was ordered to be engrossed and read the third time to-morrow.

The same committee reported back S. B. No. 67, and recommended its passage.

The bill was ordered to be engrossed and read the third time to-morrow.

The same committee reported back S. B. No. 66, with the recommendation that the bill be amended by striking out the third section, and that the amendments recommended by the committee on Temperance be adopted, and the bill passed.

On motion of Mr. Canfield, the bill, with pending amendments, was laid on the table.

A majority of the same committee reported back S. B. No. 79, with the recommendation that the bill be amended by striking out of the 4th line of section 1, the words "thirty-five hundred," and inserting in their place the words "three thousand," and that the bill, so amended, be passed,

And the question being upon agreeing to the amendments,

Mr. Marsh moved to amend the amendment by striking out the words "three thousand," and insert in lieu thereof, the words "twenty-five hundred,"

And the question being on agreeing to the amendment to the amendment,

On leave of the Senate, Mr. Marsh withdrew his amendment to the amendment.

Mr. Canfield moved to amend the amendment reported by the Judiciary committee, by striking out the words "three thousand," and inserting "two thousand," in lieu thereof,

And the question being on the amendment to the amendment, the bill and pending amendments were temporarily laid on the table.

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Taylor of Mahoning, from the select committee to whom was recommitting S. B. No. 63; An act supplementary to an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 15, 1853,

Reported the same back with one amendment, which was agreed to.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—28.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 130, was read the second time, and referred to the committee of the whole.

S. B. No. 131, was read the second time, and ordered to be engrossed and read the third time to-morrow.

S. B. No. 133, was read the second time, and referred to Messrs. Converse, Holmes and Matthews, as a select committee of three.

S. B. No. 123; An act in addition to the several acts in relation to the courts of justice, and their powers and duties, was read the third time,

And the question being shall the bill pass? the yeas and nays were ordered, and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—30.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 45; An act to amend the seventh section of an act entitled "An act for the prevention of certain immoral practices," passed February 17, 1831,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 22, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Hamilton, Hardy, Hyer, Kelley, Kirk, Lawder, Lunt, Musgrave, Phelps, Taylor of Geauga, Warfel and Willford—22.

Those who voted in the negative were—

Messrs. Converse, Griswold, Hawley, Holmes, Matthews and Taylor of Mahoning—6.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 36; An act to amend an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the several acts amendatory thereof, and supplementary to said acts was read the third time,

And the question being on the passage of the bill,

Mr. Griswold moved to amend the bill by way of ryder, as follows:

1st amendment: That the fourth section of the act entitled an act to amend the act entitled an act to provide for the organization of cities and incorporated villages, passed March 11, 1853, be amended so as to read as follows:

Sec. IV. For the purpose of paying the interest on the amount borrowed by any city for the purchase, erection or extension of water works; and after they shall have been put in operation, and for the building of machinery, a tax of sufficient

amount may be assessed and collected by the city council, in each and every year, in such manner as the city council may deem most equitable and proper, as may be directed by ordinance, upon all the taxable property adjoining, abutting to, or bounded upon any street, lane, alley, public ground, square, block or premises, through which water pipe has been laid : and the said tax, when levied and assessed, shall be a lien upon the property upon which the same is levied, and a charge against the owners thereof, and shall be certified to the auditor of the county, and be placed upon the tax duplicate in a separate column thereof, and be collected as other taxes ; and the same shall be paid to and be under the control of the trustees of the water works.

2d amendment: Amend the first section, line first, by inserting after the word "thirteen," the words "and section fourteen."

3d amendment: Change present section fourteen, to section fifteen.

And the question being on agreeing to the amendments offered by way of ryder, they were severally adopted.

The question recurring on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Holmes, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—30.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 125 ; An act for the relief of the stockholders and creditors of the Sandusky, Mansfield and Newark Railroad Company, was read the third time,

And the question being, shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 29, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—29.

Mr. Holmes voted in the negative.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 92 ; An act supplementary to the act entitled "an act creating the office of County Surveyor, and defining his duties," passed March 3, 1831, was read the third time,

And the question being shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 18, nays 11.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Burnett, Cattell, Converse, Griswold, Hamilton, Hardy, Hawley, Holmes, Kelley, Marsh, Matthews, Phelps, Rush, Spencer and Taylor of Mahoning—18.

Those who voted in the negative were—

Messrs. Beatty, Brown, Canfield, Gardner, Hyer, Kirk, Lawder, Lunt, Musgrave, Taylor of Geauga, and Warfel—11.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 126 ; An act supplementary to the act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, was read the third time,

And the question being shall the bill pass? the yeas and nays were ordered, and resulted—yeas 23, nays 5:

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Cattell, Griswold, Hamilton, Hyer, Kelley, Lawder, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—23.

Those who voted in the negative were—

Messrs. Canfield, Converse, Holmes, Gardner and Kirk—5.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 106 ; An act supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, was read the third time,

And the question being shall the bill pass? the yeas and nays were ordered, and resulted—yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—31.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Kelley, the rules were suspended to enable him to introduce a bill,

Whereupon Mr. Kelley introduced the following bill, which was read the first time :

S. B. No. 151 ; An act supplementary to the act making appropriations to pay the indebtedness of the Benevolent Institutions and the New State House.

On motion of Mr. Kelley, the constitutional rule was suspended, and the bill was read the second and third times,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, Warfel and Willford—31.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has concurred in the passage of the following Senate Joint Resolutions :

Relative to printing extra numbers of S. B. No. 139.

Relative to furnishing Fayette county with copies of Ohio Reports.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed the following Senate Joint Resolution :

Relative to the suspension of contracts and labor on the New State House.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr President :

The House has passed the following bills, in which the concurrence of the Senate is requested :

H. B. No. 18 ; To amend section two of an act to amend an act entitled "an act to amend the several acts now in force in relation to the sale of lands forfeited to the State for the non-payment of taxes," passed March 12, 1845.

H. B. No. 12 ; An act to regulate insurance companies not incorporated by the State of Ohio.

H. B. No. 113 ; To establish the superior court of Montgomery county.

H. B. No. 59 ; An act supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

The House has also passed the following Senate bills, without amendment :

S. B. No. 9 ; Concerning the enacting and repealing of statutes.

S. B. No. 21 ; To amend sections 489, 490 and 491 of the act entitled "an act to establish a code of civil procedure," passed March 2, 1853.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House bills were than severally read the first time.

On motion of Mr. Marsh, the constitutional rule was suspended, and the foregoing

H. B. No. 113, was read the second time by title.

The bill was then referred to Mr. Marsh, as a select committee of one.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolutions, to which the concurrence of the Senate is requested :

H. J. R ; Relative to Kansas affairs.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Taylor of Mahoning, the above named resolutions were ordered to lie upon the table.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills, in which the concurrence of the Senate is requested :

H. B. No. 44 ; Supplementary to the act providing for the punishment of crimes, passed March 7, 1835.

H. B. No. 64 ; Authorizing the sale of property for charges in certain cases.

The House has also passed the following bill, with an amendment :

S. B. No. 38 ; To authorize the judges of the court of common pleas of each judicial district to fix permanently the times for holding the courts of common pleas and district court therein.

Attest :

J. S. ROBINSON, Clerk.

The question being upon agreeing to the House amendment to the foregoing S. B. No. 38,

The yeas and nays were ordered, and resulted—yeas 28, nays 1.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Holmes, Hyer, Kelley, Kirk, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—28

Mr. Taylor of Geauga voted in the negative.

So the amendment having received a constitutional majority, was adopted.

Message from the House of Representatives.

Mr. President :

The House has concurred in the passage of

S. B. No. 151 ; "Supplementary to the act making appropriations to pay the indebtedness of the Benevolent Institutions, and of the New State House," passed March 15, 1856.

Attest :

J. S. ROBINSON, Clerk.

Mr. Brand, on leave, introduced the following bill, which was read the first time:

S. B. No. 152 ; To prevent frauds upon the elective franchise.

On motion of Mr. Spencer, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Rush in the chair.

After some time spent therein, the committee rose, and the chairman reported back

S. B. No. 94, with sundry amendments.

The bill and pending amendments were ordered to lie upon the table.

The President laid before the Senate the following communication :

TO THE SENATE:—The undersigned respectfully asks the Senate to elect an assistant clerk to serve during the remainder of the present session. Quite a number of bills are now requiring engrossment and enrollment. The daily journals are

increasing in volume, and the recording of them becoming more laborious; the prompt discharge of the duties of his place requires additional help.

W. T. BASCOM, Clerk.

COLUMBUS, March 19, 1856.

The President also laid before the Senate three communications from the Governor, announcing certain appointments to office.

On motion, the communications were laid upon the table.

Mr. Lunt asked and obtained leave of absence until Monday next.

Mr. Heaton asked and obtained leave of absence until Friday next.

Mr. Marsh asked and obtained leave of absence for a few days.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

THURSDAY, MARCH 20, 1856.

Prayer by the Rev. Mr. Morris.

Mr. Canfield presented the remonstrance of George Crawford and 25 other citizens of Glendale, Hamilton county against any change in the present school law, which may materially change the system,

Which was referred to the committee on Schools and School Lands.

Mr. Kelley presented the petition of R. B. Warden and 40 other citizens of Franklin county; also, of D. H. Taft and 41 other citizens of said county, both praying that the salaries of the judges of the supreme and common pleas courts may be increased.

On motion of Mr. Kelley, the several petitions were referred to the committee of the whole Senate.

Mr. Brazee, from the Judiciary committee, reported back

S. B. No. 90, with one amendment, consisting of an additional section in the place of section three, to be stricken out.

The amendment was agreed to, and the bill ordered to be engrossed and read the third time to-day.

Mr. Converse, from the select committee to whom was referred

S. B. No. 133, reported the same back without amendment, and recommended its passage.

The bill was ordered to be engrossed and read the third time to-day.

Mr. Phelps, from the committee of conference on

H. B. No. 1, submitted a report, which was read at the clerk's desk and temporarily laid on the table.

House Bills Nos. 18, 44, 12 and 64 were severally read the second time, and committed to the committee of the whole Senate.

On motion of Mr. Spencer, the constitutional rule was suspended, and House bills Nos. 59 and 12 were severally read the second time by title, and committed to the committee of the whole.

S. B. No. 132, was read the second time by title, the constitutional rule having been suspended for that purpose, and the bill referred to Mr. Phelps, as a select committee of one.

S. B. No. 133 ; An act to authorize the commissioners of Hamilton county to aid in the construction of a bridge across the Whitewater river, near the village of Harrison, in said county,

Was read the third time,

And the question being on the passage of the bill,

The yeas and nays were ordered, and resulted—yeas 22, nays none.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Hamilton, Hawley, Holmes, Hyer, Kelley, Kirk, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—22.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 67 ; An act supplementary to an act entitled "an act to authorize free banking in the State of Ohio," passed March 21, 1851,

Was read the third time,

And the question being, shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 18, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Hamilton, Hyer, Kelley, Kirk, Musgrave, Taylor of Geauga, Taylor of Mahoning and Warfel—18.

Those who voted in the negative were—

Messrs. Converse, Holmes, Phelps and Willford—4.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 63 ; An act supplementary to an act entitled "an act to incorporate the State Bank of Ohio, and other banking companies," passed February 24, 1845,

Was read the third time,

And the question being, shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 20, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Hamilton, Hyer, Kelley, Kirk, Lawder, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—20.

Those who voted in the negative were—

Messrs. Converse, Holmes Phelps and Willford—4.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Canfield,

H. B. No. 57 ; To repeal section three of an act entitled " An act to incorporate certain towns therein named," passed March 19, 1850. Also, to repeal an act entitled " An act in relation to common schools in the town of Attica, Seneca county, was taken from the table,

And the question being on the passage of the bill.

The yeas and nays were ordered and resulted—yeas 23, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Hamilton, Holmes, Hyer, Kelley, Kirk, Lawder, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—23.

Mr. Phelps voted in the negative.

The bill having received a constitutional majority, was passed.

The title was ordered to be as aforesaid.

On motion of Mr. Baird, the Senate went into executive session on nominations to office sent in by the Governor.

The communications of the Governor were taken from the table and read.

The first announcing the appointment of James W. Crooks to be collector at Logan ;

The second announcing the appointment of Frank Miller to be collector at Canal Dover ;

The third announcing the appointment of David Atwater to be collector at Massillon.

The question being on consenting and advising to the appointments announced,

Mr. Rush moved that the Senate do advise and consent to the appointment of James W. Crooks to be collector of tolls at Logan,

And the question being upon advising and consenting to the appointment, the yeas and nays were ordered and resulted—yeas 25, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Hamilton, Hardy, Holmes, Hyer, Kelley, Kirk, Lawder, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—25.

So the Senate advised and consented to the appointment of James W. Crooks to be collector of tolls.

Mr. Burnett moved that the Senate do advise and consent to the appointment of Frank Miller to be collector of tolls at Canal Dover,

And the question being upon advising and consenting, the yeas and nays were ordered and resulted—yeas 26, nays none,

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Hamilton, Hardy, Holmes, Hyer, Kelley, Kirk, Lawder, Marsh, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—26.

So the Senate advised and consented to the appointment of Frank Miller to be collector of tolls.

Mr. Baird moved that the Senate do advise and consent to the appointment of David Atwater to be collector of tolls at Massillon,

And the question being on advising and consenting to the appointment, the yeas and nays were ordered and resulted—yeas 26, nays none.

Those who voted in the affirmative were

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Hamilton, Hardy, Holmes, Hyer, Kelley, Kirk, Lawder, Marsh, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—26.

So the Senate advised and consented to the appointment of David Atwater to be collector of tolls at Massillon.

The business for which the Senate went into executive session having been concluded, the session closed.

Mr. Hamilton, from the committee on Temperance, to whom was referred S. B. No. 98, reported the same back with the recommendation that the amendments proposed in the committee of the whole be adopted, and that certain other amendments reported by the committee on Temperance be agreed to, and the bill ordered to be engrossed,

And the question being on agreeing to the amendments proposed in committee of the whole,

They were severally adopted.

Mr. Hamilton moved that the amendments reported by the committee on Temperance be adopted,

And the question being on adopting the amendments,

They were agreed to.

The Senate took a recess.

THREE O'CLOCK, P. M.

A quorum not being present, the senate adjourned.

Attest :

W. T. BASCOM, Clerk.

FRIDAY, MARCH 21, 1856.

Prayer by the Rev. Mr. Morris:

Mr. Converse presented the remonstrance of N. W. Thomas, Wm. C. Neff and 708 other citizens of Hamilton county, against any essential modification of the school law, other than that the tax be applied to the support of the schools in the counties where taxed.

Also, the remonstrance of J. H. Lewis, Able Shawk and 144 others of the same county, on the same subject.

Also, the memorial of the Board of Trustees and visitors of the common schools of the city of Cincinnati, on the same subject.

On motion of Mr. Converse, the several remonstrances and the memorial aforesaid, were committed to the committee of the whole Senate.

Mr. Musgrave presented the remonstrance of sundry citizens of Ashland county, on the same subject,

Which was referred to the same committee.

Mr. Griswold presented the remonstrance of C. Bradburn and 12 other citizens of Cleveland, and members of the Board of Education of said city, on the same subject ;

Which was referred to the same committee.

Mr. Brown, special committee to whom was referred S. B. No. 112, reported the same back without amendment, and with the recommendation that the bill be passed.

The bill was then ordered to be engrossed, and read the third time to-morrow.

Mr. Marsh, from the select committee to whom was referred H. B. No. 113, reported the same back without amendment, and with the recommendation that the bill be passed.

On motion of Mr. Brown, the bill was ordered to lie on the table.

On motion of Mr. Spencer, the constitutional rule was suspended, and

S. B. No. 139 ; To incorporate the bank of Ohio, and other banks,

Was read the second time by title.

On motion of Mr. Brazee, the bill was committed to the committee of the whole, and made the special order for Tuesday next.

S. B. No. 90 ; To provide for the punishment of certain offences therein named,

Was read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 19, nays 11.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Griswold, Hamilton, Hyer, Kelley, Lawder, Marsh, Phelps, Rush, Spencer, Taylor of Geauga and Warfel—19.

Those who voted in the negative, were—

Messrs. Baird, Converse, Gardner, Hardy, Hawley, Heaton, Holmes, Kirk, Musgrave, Taylor of Mahoning and Willford—11.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

S. B. No. 112; An act securing to married women such personal property as may be exempt from execution, and also enabling them to control their own earnings, and the earnings of their minor children in certain cases,

Was read the third time,

And the question being, shall the bill pass? the yeas and nays were ordered and resulted—yeas 28, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Hyer, Kelley, Kirk, Lawder, Marsh, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—28.

Those who voted in the negative, were—

Messrs. Hawley and Holmes—2,

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Messrs. Holmes and Brazee severally obtained leave of absence until Monday next, and Mr. Baird until Tuesday next.

Mr. Heaton, on leave, introduced the following bill, which was read the first time :

S. B. No. 153 ; Supplementary to an act regulating railroad companies, passed Feb. 11, 1848, and repealing the 8th section thereof.

On motion of Mr. Buckland, it was

Resolved, That the Board of Public Works be required to inform the Senate how much was paid to James B. Steedman, in February, 1852, for stone deposited on the Miami and Erie Canal where it passes through said Steedman's farm ; also, by whom, when, and for what purpose said stone was originally deposited on the canal, and where the stone came from.

On motion of Brand, it was

Resolved, That the standing committee on Roads and Highways be requested to report a bill repealing all laws applying to the opening or changing of county or township roads incompatible with the constitution, and a provision to enable roads and highways to be opened and established.

On motion, House bill No. 42, was taken from the table and committed to Mr. Musgrave, as a select committee of one.

On motion of Mr. Cattell, House bill No. 58, was taken from the table, and committed to the committee of the whole Senate.

Mr. Willford, on leave introduced the following bill, which was read the first time :

S. B. No. 154; Supplementary to an act to entitled an act to provide for the reorganization, supervision and maintenance of common schools, passed March 14, 1853.

On motion of Mr. Warfel, Senate bill No. 98, was taken from the table,

And the question being upon the engrossment of the bill,

Mr. Buckland moved to amend as follows :

In section 9, lines 1 and 2, strike out these words : " fined five dollars and "— and in line 3, after the word " prosecution," insert these words : " and may also be fined five dollars at the discretion of the court."

And the question being upon agreeing to the amendment, it was adopted.

The question recurring on the engrossment of the bill,

Mr. Hawley moved to amend as follows :

At the end of the 19th section, add as follows :

Provided, that in all counties in which the courts of probate shall have jurisdiction of minor offenses, all recognizances taken by Justices of the Peace and Mayors, under the act, shall be to the probate court, and all proceedings therein for violation of any of the provisions of this act shall be by information filed by the Prosecuting Attorney of the proper county in said probate court, the Judges of which shall have the same power as by the seventeenth and eighteenth sections of this act are given to Judges of the court of common pleas.

And the question being on agreeing to the amendment, it was lost.

The question again recurring on the engrossment of the bill,

Mr. Hamilton moved to amend as follows :

In section 16, prefix these words to the amendment proposed in committee of the whole, viz : " or the precise time when."

And the question being on agreeing to the amendment, it was adopted.

The question again recurring on the engrossment of the bill,

Mr. Phelps moved to amend as follows :

To section 11, add as follows :

Provided, that the provisions of the 1st, 5th, 6th, 7th and 8th sections of this act shall not extend to the sale of wine manufactured from the pure juice of the grape cultivated in this State, or beer, ale or cider. *Provided*, also, that it shall not be necessary for the prosecutor, in the information or indictment, to allege or prove that the liquor so sold or drank was not native wine, or beer, or ale, or cider, but the burden of proof in that behalf shall be upon the defendant to show such wine, cider, beer or ale was pure wine, ale, beer or cider, not mixed or adulterated with any other liquor or intoxicating drink.

And the question being on agreeing to the amendment,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on the adoption of the amendment offered by Mr. Phelps,

Mr. Marsh moved to postpone the bill and pending amendments until the first Monday in January next,

And the question being on the postponement, it was lost.

The question recurring on the adoption of Mr. Phelps's amendment,

The yeas and nays were demanded, ordered, and resulted—yeas 7, nays 12.

Those who voted in the affirmative were—

Messrs. Brazee, Converse, Gardner, Phelps, Spencer, Taylor of Mahoning, and Willford—7.

Those who voted in negative were—

Messrs. Beatty, Brand, Buckland, Canfield, Griswold, Hamilton, Hawley, Hyer, Kelley, Lawder, Taylor of Geauga, and Warfel—12.

So the amendment was lost.

The question again recurring on the engrossment of the bill,

Mr. Hamilton moved to amend as follows :

Add to section 10 these words : "except as provided in the ninth section of this act."

And the question being on agreeing to the amendment, it was adopted.

The question again recurring on the engrossment of the bill,

The yeas and nays were demanded, ordered, and resulted—yeas 18, nays 9.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Burnett, Canfield, Cattell, Griswold, Hamilton, Hyer, Kelley, Kirk, Lawder, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—18.

Those who voted in the negative were—

Messrs. Converse, Gardner, Hardy, Hawley, Heaton, Marsh, Phelps, Spencer, and Willford—9.

So the bill was ordered to be engrossed, and read the time to-morrow.

Mr. Hardy, from the committee on Enrollment, submitted the following report :

The joint committee on Enrollment report that

H. B. No. 52 ; "To provide for the payment of the claim of Charles Boesel for damages sustained by canal boat Robert Blum and cargo, by breaking of Lock No. 23, on the Miami Extension Canal, on the 6th day of October, 1850," is correctly enrolled.

C. G. HAWLEY,
M. D. HARDY,
Committee of Senate.
JNO. HUNTER,
Committee of House

On motion of Mr. Kelley, S. B. No. 94 was taken from the table.

And the question being on the engrossment of the bill,

Mr. Kelley moved to amend by adding to the end of section 6, as follows :

"Provided that trains run exclusively for the transportation of coal, and during any part of the day when there is no passenger train running on the road, shall not be taken into the account in determining the number of trains run daily, as aforesaid."

And the question being on agreeing to the amendment, it was adopted.

The question recurring on the engrossment of the bill,

Mr. Buckland moved to strike out the first section,

And question being on striking out,

The Senate adjourned.

Attest :

W. T. BASCOM, Clerk.

SATURDAY, MARCH 22, 1856

Prayer by Rev. Mr. Morris.

Mr. Lawrence presented the petition of Elijah Dudley and sundry other citizens of Noble county, praying the passage of a law submitting to a vote of those interested in the question of abolishing said county and restoring the territory to the counties from which it was taken. Also, of Abraham Thompson and sundry citizens of said county. Also, of Thomas Nicholson and sundry others of said county. Also, of Eleazer Thompson and sundry others. Also, of John Johnson and sundry others. Also, of Samuel Gregg and sundry others, all on the same subject,

Which petitions were severally ordered to lie upon the table.

Also, the petition of Wm. P. Richardson and sundry other citizens of Monroe county, praying that County Commissioners have the same power in relation to fines, &c., in liquor cases, that they have in other criminal cases,

Which was referred to the committee on the Judiciary.

Mr. Griswold moved to reconsider the vote on advising and consenting to the nomination of James W. Crooks to be collector of tolls at Logan.

And the question being on reconsideration of the vote,

Mr. Taylor of Mahoning, moved to lay the motion to reconsider on the table,

Which was agreed to.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has, in the presence of the same, signed the following

H. B. No. 52 ; To provide for the payment of the claim of Charles Boesel for damages sustained by canal boat "Robert Blum," and cargo, by breaking in of Lock No. 23, on the Miami Extension Canal, on the 6th day of October, 1850.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled House bill.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills :

S. B. No. 87 ; To authorize railroad companies to appoint a Vice President and to define his duties.

H. B. No. 79 ; Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House bill was then read the first time.

On motion of Mr. Spencer, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Brown in the chair.

After some time spent therein the committee rose, and the Chairman reported

that the committee had had H. B. No. 58 under consideration, and had made progress therein, and asked leave to sit again,

Which was granted.

The Senate then took a recess.

THREE O'CLOCK P. M.

Mr. Brand moved to suspend the rules to enable him to present a memorial,

Which was agreed to,

Whereupon, Mr. Brand presented the memorial of John W. Kees embracing his claim for the State printing of 1854,

Which was referred to the committee on Public Printing.

Mr. Converse, from the joint committee of Conference, in relation to the distribution of agricultural reports, submitted the following resolution as a substitute for the original :

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State be, and he is hereby, authorized and required to have printed 15,000 copies of the Annual Report of the State Board of Agriculture, and 1,800 copies of the Report of the President of said Board for the years 1855 and 1856 each, and that he box up in equal quantities and forward to the county seat of the members of the present Legislature, or to their order, at the option of each member, his proportion of 14,000 copies of the Report of said Board, and his proportion of 800 copies of the Report of the President thereof, to be distributed by them among the people, and that the charges for the transportation of the same be paid in the same manner as is or may be provided by law for the distribution of the laws and journals, and that the balance of said Reports shall be subject to the order of the State Board of Agriculture.

Provided, That all Agricultural Reports of previous years, now remaining in the hands of the Secretary of State, shall be distributed at the same time, and in the same manner as are the Reports for the years 1855 and 1856, as contemplated in this resolution.

And the question being on agreeing to the resolution, it was adopted.

Mr. Matthews offered for adoption a series of joint resolutions, relative to the action of the late Naval Board in retiring 201 officers from the active Navy list, without trial, &c.

On motion of Mr. Taylor of Mahoning, the resolutions were laid on the table and ordered to be printed.

On motion of Mr. Hamilton, it was

Resolved, That the Senate do now proceed to the election of one additional assistant clerk, who shall serve until the 9th day of April next, or until the adjournment.

Mr. Heaton nominated John F. Lawder.

The roll was called, and the following Senators voted for John F. Lawder :

Messrs. Beatty, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawder, Lawrence, Matthews, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—22.

Monday, March 24, 1856.

So John F. Lawder having received a majority of all the votes cast, was declared duly elected an assistant clerk of the Senate.

Mr. Lawder appeared within the bar of the Senate, and took the oath of office, and to support the constitution of the United States, and of the State of Ohio.

On motion of Mr. Griswold, the rules were suspended, and Senate bill No. 137, was read the second time and ordered to be engrossed and read the third time on Monday next.

On motion of Mr. Taylor of Geauga, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Brown in the chair,

After some time spent therein, the committee rose, and the chairman reported back House bill No. 58, with sundry amendments,

And the question being on agreeing to the amendment, they were severally adopted.

Mr. Matthews moved to recommit the bill to a select committee of three,

And the question being on recommitment, the yeas and nays were demanded, ordered and resulted—yeas 10, nays 16.

Those who voted in the affirmative, were—

Messrs. Canfield, Converse, Kelley, Kirk, Matthews, Phelps, Rush, Spencer, Warfel and Willford—10.

Those who voted in the negative, were—

Messrs. Beatty, Brand, Brown, Buckland, Burnett, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Lawder, Lawrence, Taylor of Geauga and Taylor of Mahoning—16.

So the motion to recommit was disagreed to.

On motion of Mr. Taylor of Mahoning, the amendments were ordered to be engrossed, and the bill to be read the third time on Monday next.

On motion of Mr. Heaton, Senate bill No. 105, was taken from the table.

On motion of Mr. Kelley, the same bill was laid on the table,

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

MONDAY, MARCH 24, 1856.

Prayer by the Rev. Thomas Lee.

Mr. Lawrence presented the petition of Samuel Gephart and 103 other citizens of Noble county, asking that the question of abolishing said county may be submitted to a vote of those interested;

Which was ordered to lie upon the table.

Mr. Cattell presented the petition of Lydia H. Park and 49 other persons demanding for the woman of Ohio the right of suffrage.

Also, of Kate B. Chandler and 53 others, on the same subject.

Which petitions were severally referred to Messrs. Cattell and Canfield, as a select committee of two.

Mr. Canfield presented the petition of Samantha A. Sherman and 36 others, on the same subject.

Also, the petition of Sarah Ostrander and 54 others, on the same subject ;

Which were severally referred to the same select committee.

Mr. Hyer presented the remonstrance of S. G. Bradford and sundry other citizens of Ross county, against the passage of the bill to discharge the purchasers of the Zanesville and Maysville turnpike road from the completion of that part of said road lying between the towns of Bainbridge and Sinking Spring.

Also, the remonstrance of J. H. Fulk and sundry other citizens of Highland county, on the same subject ;

Which remonstrances were severally referred to the committee on Railroads and Turnpikes.

Mr. Spencer, from the committee on Public Works and Public Lands, made the following report :

The committee on Public Works and Public Land to whom was referred the petition of sundry citizens of Miami county, praying the enlargement of the Lewis-town Reservoir, report the same back, and recommend that the petition lie on the table, and the subject be postponed to the 1st Monday of January, 1857.

Respectfully submitted,

E. A. SPENCER,
E. M. PHELPS,
NELSON RUSH,

Committee.

The question being on agreeing to the report, it was adopted.

The same committee submitted a report upon the petition of Wm. Turner and others.

On motion of Mr. Brown, the report was laid on the table.

H. B. No. 79, was read the second time, and referred to the committee on Corporations other than Municipal.

S. B. No. 137 ; Defining the jurisdiction of justices of the peace and other officers of the city of Cleveland, and detaching a portion of said city from Brooklyn township ;

Was read the third time,

And the question being, shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 21, nays 1.

Those who voted in the affirmative, were—

Messrs. Beatty, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Griswold, Hamilton, Hardy, Hawley, Hyer, Kelley, Kirk, Lawrence, Matthews, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel and Wilford—21.

Mr. Rush voted in the negative—1.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 135; To fix the times for holding the terms of the court of common pleas, in the county of Cuyahoga,

Was read the second time.

On motion of Mr. Griswold, the constitutional rule was suspended, and the bill read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 21, nays none.

Those who voted in the affirmative, were—

Messrs. Beatty, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Griswold, Hamilton, Hardy, Hawley, Hyer, Kirk, Lawrence, Matthews, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—21.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

H. B. No. 58; To provide for the uniform government and better regulation of the Lunatic Asylum of the State,

Was read the third time.

And the question being on the passage of the bill,

Mr. Taylor, of Mahoning, moved to amend the bill by way of rider, as follows:

Add to section 5, as follows:

“Provided, that nothing in this act contained, shall be construed to authorize the removal of any superintendent or other resident officer of either of said asylums, heretofore appointed for a specific term, except as prescribed by law,”

And the question being on agreeing to the amendment,

On demand of Mr. Taylor of Mahoning,

The yeas and nays were ordered and resulted—yeas 7, nays 16.

Those who voted in the affirmative were—

Messrs. Converse, Lawrence, Matthews, Phelps, Spencer Taylor of Mahoning and Willford—7.

Those who voted in the negative were—

Messrs. Beatty, Brown, Buckland, Burnett, Canfield, Cattell, Griswold, Hamilton, Hardy, Hawley, Hyer, Kelley, Kirk, Rush, Taylor of Geauga and Warfel—16.

So the amendment not having received a majority was lost.

The question recurring on the passage of the bill,

Mr. Cattell moved that the bill be referred to a select committee of one, with instructions to add, as section 20, the following:

Sec. 20. Each county shall be entitled to send patients to the asylums of their respective districts in proportion to the number of insane persons therein, who have not been returned incurable, and who have not been insane more than two years then last past,

Which motion prevailed.

The President appointed Mr. Cattell said committee,

Who thereupon reported back said bill amended as instructed.

And the question being upon the amendment, it was adopted.

The question again recurring on the passage of the bill, the yeas and nays were ordered and resulted—yeas 16, nays 7.

Those who voted in the affirmative were—

Messrs. Beatty, Brown, Buckland, Burnett, Canfield, Cattell, Hamilton, Hardy, Hawley, Hyer, Kelley, Kirk, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—16.

Those who voted in the negative, were—

Messrs. Converse, Griswold, Lawrence, Matthews, Phelps, Spencer and Willford—7.

So the bill not having received a constitutional majority was lost on its passage.

Mr. Griswold moved to reconsider the vote on the passage of the bill,

And the question being on the reconsideration,

Mr. Griswold moved to lay the motion to reconsider on the table ;

Which motion prevailed,

S. B. No. 98 ; To amend an act entitled "an act to provide against the evils resulting from the sale of intoxicating liquors in the State of Ohio," passed May 1, 1854, was read the third time,

And the question being on the passage of the bill,

Mr. Taylor of Mahoning, moved to recommit the bill to a select committee of three.

And the question being upon recommitment, the yeas and nays were ordered and resulted—yeas 14, nays 12.

Those who voted in the affirmative were—

Messrs. Beatty, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Matthews, Phelps, Rush, Spencer, Taylor of Mahoning and Willford—14.

Those who voted in the negative were—

Messrs. Brand, Brown, Buckland, Burnett, Canfield, Cattell, Hyer, Kelly, Kirk, Lawrence, Taylor of Geauga and Warfel—12.

So the motion to recommit to a select committee prevailed.

The president appointed Messrs. Taylor of Mahoning, Phelps and Hamilton said committee.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has, in the presence of the House, signed the following enrolled bill :

S. B. No. 151 ; Supplementary to the act making appropriations to pay the indebtedness of the benevolent institutions and of the new State House, passed March 15, 1856.

Attest :

JAS. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled Senate bill :

The joint committee on Enrollment, report the following bills and joint resolutions correctly enrolled, viz :

S. B. No. 56 ; To provide for the government of schools and academies specially endowed.

S. B. No. 151 ; Supplementary to the act making appropriations to pay the indebtedness of the benevolent institutions and of the new State House, passed March 15, 1856.

S. J. R.; Relative to the adjournment of the Legislature.

S. J. R.; Relative to holding an adjourned session.

C. G. HAWLEY,
M. D. HARDY,
Senate Committee.
JOHN HUNTER,
House Committee.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 64 ; Further to amend an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, and the several act supplementary and amendatory thereof, with amendments herewith enclosed.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Kelley, the bill and pending amendments were referred to the committee on Finance.

Message from the House of Representatives.

Mr. President :

The House has agreed to the report of the joint select committee of conference appointed by the two Houses in the matter of difference in relation to printing of the Agricultural Reports, and have adopted the enclosed joint resolution offered as a substitute to the original resolution by said joint select committee.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolution :

Relative to indexing the Laws.

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to the resolution,

It was adopted, as follows :

Resolved, by the General Assembly of the State of Ohio, That an index of the Local Laws since 1844, be published as an appendix to the laws of this session, and that the State Librarian be directed to prepare the same, for which service he shall be allowed the compensation provided by law for indexing the Journals of the General Assembly.

On motion of Mr. Rush, House bill No. 58, was taken from the table,

And the question being on the passage of the bill,

On motion of Mr. Phelps, the bill was recommitted to a select committee of three.

The President appointed Messrs. Phelps, Spencer and Hamilton said committee.

Mr. Griswold, from the Judiciary committee, on leave of the Senate, reported back Senate bill No. 104, without amendment, and without recommendation.

On motion of Mr. Hamilton, the bill was recommitted to a select committee of one.

The President of the Senate appointed Mr. Hamilton said committee.

On motion of Mr. Rush, the Senate went into executive session on nominations to office sent in by the Governor.

The communication announcing the appointment of Joseph Ashton to be collector of tolls at Portsmouth, was read,

On motion of Mr. Griswold, the Senate advised and consented to the appointment of Joseph Ashton to be collector of tolls at Portsmouth.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawrence, Marsh, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—23.

Mr. Converse voted in the negative.

The communication announcing the appointment of Wm. Y. Gilmore to be collector of tolls at Chillicothe, was read.

Mr. Hyer moved that the Senate do advise and consent to the nomination of Wm. Y. Gilmore to be collector of tolls,

And the question being upon agreeing to the nomination, the yeas and nays were ordered and resulted—yeas 25, nays none.

Those who voted in the affirmative were—

Messrs. Brand, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Marsh, Matthews, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—25.

So the Senate advised and consented to the appointment of Wm. Y. Gilmore to be collector of tolls.

A communication announcing the appointment of Nathan T. Bradford to be collector of tolls at Circleville was read.

Mr. Kelley moved that the Senate do advise and consent to the appointment of Nathan T. Bradford,

And the question being on advising and consenting to the nomination, the yeas and nays were ordered, and resulted—yeas 23, nays 1.

Those who voted in the affirmative were—

Messrs. Brand, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawrence, Marsh, Matthews, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—23.

Mr. Converse voted in the negative.

So the Senate advised and consented to the appointment of Nathan T. Bradford to be collector of tolls.

A communication announcing the appointment of Samuel H. Kauffman to be collector of tolls at Zanesville, was read.

Mr. Heaton moved that the Senate do advise and consent to the appointment of Samuel H. Kauffman to be collector of tolls at Zanesville,

And the question being upon advising and consenting to the nomination, the yeas and nays were ordered and resulted—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Brand, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawrence, Marsh, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—23.

So the Senate advised and consented to the appointment of Samuel H. Kauffman to be collector of tolls.

Communications were read announcing the appointment of Miles Carter to be collector of tolls at Newark, and Washington Miller to be collector at Dresden.

Mr. Gardner moved that the Senate do advise and consent to the appointment of Miles Carter to be collector of tolls at Newark.

And the question being upon advising and consenting, the yeas and nays were ordered and resulted—yeas 24, nays none.

Those who voted in the affirmative were—

Messrs. Brand, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawrence, Marsh, Matthews, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

So the Senate advised and consented to the appointment of Miles Carter to be collector of tolls at Newark.

Mr. Warfel moved that the Senate do advise and consent to the appointment of Washington Miller to be collector of tolls at Dresden,

And the question being upon advising and consenting, the yeas and nays were ordered and resulted—yeas 24, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawrence, Marsh, Matthews, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

So the Senate advised and consented to the appointment of Washington Miller to be collector of tolls at Dresden.

The business for which the Senate went into executive session having been concluded, the session closed.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

TUESDAY, MARCH 25, 1856.

Prayer by the Rev. Mr. White:

Mr. Cattell presented the petition of Martha S. Edwards and 39 others, in favor of giving women the right of suffrage. Also, the petition of John Bower and 54 others, on the same subject,

Which petitions were severally referred to the special committee on that subject.

Mr. Brazee presented the petition of T. P. Ashbrook and 64 other tax-payers of Fairfield county, praying for a reduction of taxes, and the reforming of the school law, but not so as to interfere with the honest payment of the public debt and interest as they become due.

Which was referred to the committee of the whole Senate.

Mr. Taylor of Mahoning, from the select committee to whom was recommitted S. B. No. 98, reported the same back with sundry amendments.

The first and second amendments were agreed to.

And the question on the third amendment, which was as follows: Add to Sec. 11 these words:

“ Provided, That the provisions of the first, fifth, sixth, seventh and eighth sections of this act shall not extend to or include wine manufactured from the pure juice of the grape, cultivated in this State, or beer, ale or cider; Provided, also, that it shall not be necessary, in prosecutions under said first, fifth, sixth, seventh and eighth sections, to aver or prove that the liquor sold, or given away, or allowed to be drank, was not wine manufactured from the pure juice of the grape, cultivated in this State, or beer, ale or cider, but it shall be sufficient to aver in the complaint, information or indictment, and prove that the liquor so sold, given away or allowed to be drank, was intoxicating liquor, and it shall devolve on the defendant to prove that such wine, or beer, or ale, or cider was pure wine, manufactured as aforesaid, or ale, or beer, or cider, not mixed or adulterated with any intoxicating liquor.

Mr. Hamilton moved the previous question.

The President then stated the question to be, “Shall the main question be now put?”

Which question was carried.

The question then being on agreeing to the third amendment,

The yeas and nays were demanded, ordered and resulted—yeas 15, nays 15.

Those who voted in the affirmative were—

Messrs. Brazee, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Matthews, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning and Willford—15.

Those who voted in the negative, were—

Messrs. Baird, Brand, Brown, Buckland, Canfield, Cattell, Hyer, Kelley, Kirk, Lawrence, Lewis, Lunt, Marsh, Spencer and Warfel—15.

The President then announced the vote to be yeas 15, nays 15, and that the Senate being equally divided, he would cast his vote in the negative.

So the amendment was disagreed to.

Tuesday, March 25, 1856.

The question then being on the passage of the bill entitled
 — "An act to amend an act entitled an act to provide against the evils resulting from the sale of intoxicating liquors in the State of Ohio," passed May 1, 1854,

The yeas and nays were ordered and resulted—yeas 20, nays 10.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brown, Buckland, Burnett, Canfield, Cattell, Griswold, Hamilton, Hardy, Hyer, Kelley, Kirk, Lawrence, Lewis, Lunt, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—20.

Those who voted in the negative, were—

Messrs. Brazee, Converse, Gardner, Hawley, Heaton, Marsh, Matthews, Phelps, Spencer and Willford—10.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Hamilton, special committee to whom was referred

S. B. No. 104, reported the same back without recommendation.

On motion of Mr. Spencer, the bill was laid on the table.

Mr. Rush asked and obtained a suspension of the rules to enable him to present a petition,

And thereupon presented the petition of Harriet McMillan and 79 others, in favor of giving the right of suffrage to women,

Which petition was referred to the select committee on that subject.

On motion of Mr. Marsh, the committee of the whole was discharged from the further consideration of

H. B. No. 113; An act to establish the superior court of Montgomery county.

Mr. Marsh moved that the bill be read the third time,

Which was agreed to.

The bill was then read the third time,

And the question being on its passage,

The yeas and nays were ordered and resulted—yeas 26, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawrence, Lewis, Lunt, Marsh, Phelps, Rush, Spencer and Warfel—26.

Those who voted in the negative were—

Messrs. Taylor of Geauga and Taylor of Mahoning—2.

So the bill having received the votes of two-thirds of the members elected to the Senate, as required by the constitution, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the special order of the day,

S. B. No. 139; To incorporate the Bank of Ohio, and other Banks—Mr. Brown in the chair.

After some time spent therein the committee rose, and the chairman reported progress, and asked leave for the committee to sit again.

Which was agreed to.

Mr. Kelley, from the committee on Finance, asked and obtained a suspension of the rules, to enable said committee to make a report,

And thereupon, Mr. Kelley, from said committee, submitted a report in regard to the demands on the general revenue fund, and the available means of meeting these demands.

On motion of Mr. Phelps, the report was laid on the table and ordered to be printed.

On motion of Mr. Brown, it was

Resolved, That when the Senate adjourn this afternoon, it adjourn to meet at half past seven o'clock this evening.

On motion of Mr. Buckland, it was

Resolved, That the Board of Public Works be required to furnish to the Senate forthwith a full and detailed statement of the items of the price or cost of keeping the public works of this State in repair for the six years next preceding the 15th day of November, A. D. 1854, excluding all items of expenditure not appertaining to repairs, and such as the present contractors are not bound by their contracts to perform; and that they give separately the price or cost of each section as divided and numbered for the recent letting, and that the statements of each section be furnished separately, as fast as the same shall be respectively completed.

On motion of Mr. Spencer, the report of the committee on Public Works and Public Lands upon the memorial of William Turner and others, was taken from the table,

And the question being on the adoption of the joint resolution recommended by the committee, it was agreed to, as follows:

Resolved, by the General Assembly of the State of Ohio, That the Auditor be and he is hereby instructed, so soon as money shall be appropriated for the purpose, to issue his warrant directing the Treasurer of State to pay William Turner the sum of one hundred and seventy-one dollars; McDaniel Osborn one hundred and fifty-eight dollars and twenty-seven cents; and William McGookin one hundred and thirty-five dollars.

On motion of Mr. Hamilton, it was

Resolved, That the joint committee on amendments to the constitution be, and they are hereby requested to inquire into and report, during the present session, as to the expediency of so amending the constitution as to require

1st. Annual sessions of the General Assembly.

2d. So as to require single Representative and Senatorial districts.

3d. So as to leave the General Assembly free to adapt the judiciary system of the State to the changing circumstances and exigencies of the people.

4th. So as to require the General Assembly to pass laws taxing the moneys, credits, investments, (of whatever kind not otherwise taxed) and other property, personal and real, of each person, firm, joint stock company, bank or other corporation, in such manner that all kinds of property shall be taxed equally in the location where situated, at the true value thereof in money, after allowing to be deducted, as far as the General Assembly may deem expedient, the *bona fide* debts of each person, firm, joint stock company, bank or other corporation.

5th. So as to declare that burying grounds, public school houses, and all other public property, and the property of all institutions of purely public charity, and all houses and rooms used exclusively for public worship, shall be exempt from taxation; and that if the total value of the property, of all kinds, of any person, as ascertained by the assessors, shall not exceed fifty dollars, the same shall be exempt from taxation.

The Senate then took a recess.

THREE O'CLOCK P. M.

Mr. Kelley asked and obtained a suspension of the rules to enable the Finance committee to make a report,

Whereupon, Mr. Kelley, from said committee, reported back

S. B. No. 64, with pending House amendments, and recommended the adoption of the amendments.

And the question being on agreeing to the amendments,

Mr. Taylor of Mahoning moved a call of the Senate.

The roll was called, and the following Senators ascertained to be absent:

Messrs. Canfield, Griswold, Heaton, Hyer, Lawrence, Lunt, Rush and Taylor of Geauga.

On motion of Mr. Taylor of Mahoning, all further proceedings under the call were dispensed with.

The question recurring on the adoption of the amendments,

A division of the question being demanded, the question turned on adopting the first amendment.

Upon which question the yeas and nays were ordered, and resulted—yeas 25, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Cattell, Converse, Gardner, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawrence, Lewis, Marsh, Phelps, Rush, Spencer, Taylor of Mahoning, Warfel and Willford—25.

So the amendment was agreed to.

The question recurring on the adoption of the second amendment,

The yeas and nays were ordered, and resulted—yeas 18, nays 8.

Those who voted in the affirmative were—

Messrs. Brand, Brazee, Brown, Buckland, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lewis, Lunt, Marsh, Rush, Spencer, Taylor of Mahoning and Warfel—18.

Those who voted in the negative were—

Messrs. Baird, Burnett, Cattell, Converse, Gardner, Lawrence, Phelps and Willford—8.

So the amendment was adopted.

On motion of Mr. Kirk, the House of Representatives was requested to return to the Senate,

H. J. R.; Relative to making an index of the local laws passed since 1844.

On motion, S. B. No. 134 was taken from the table and recommitted to Mr. Hardy, as a select committee of one.

Mr. Brand, on leave, introduced the following bill, which was read the first time:

S. B. No. 155; To change the time of holding the district court in the county of Champaign.

On motion of Mr. Brand, the constitutional rule was suspended, and the bill read the second time.

The bill was then referred to Mr. Brand, as a select committee of one.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the special order of the day—Mr. Brown in the chair.

After same time spent therein the committee rose, and the chairman reported that the committee had had under consideration

S. B. No. 139, and made progress therein, and asked leave to sit again. Which was granted.

The Senate then took a recess till half past seven this evening.

HALF PAST SEVEN P. M.

On motion of Mr. Lawrence, the Senate adjourned.

Attest:

W. T. BASCOM, Clerk.

WEDNESDAY, MARCH 26, 1856.

Prayer by the Rev. Mr. Lee.

Mr. Holmes presented the report of a committee of the Chamber of Commerce of Cincinnati, on the subject of the frauds imposed on the public by the manufacture of star candles; also, two letters on the same subject, one from Thomas Emery & Sons, the other from A. R. Riddle, Esq.; also, a statement of the action of the Chamber of Commerce on the same subject.

On motion of Mr. Holmes, the report and several communications, were referred to the Judiciary committee.

Mr. Baird presented the memorial of Dr. Wm. Buckner, of Cincinnati, praying for the establishment, by the State of Ohio, of an Eye Infirmary; Also, the petition of Dr. Thomas W. Gordon, as chairman of the committee of the State Medical Society, on the same subject.

The memorial and petition were referred to Messrs. Baird and Converse, as a select committee of two.

Mr. Hardy presented the petition of James Holden and 72 others, praying the passage of a law exempting members of Fire Companies from two days labor on the highway,

Which was referred to the committee on Roads and Highways.

Mr. Kelley presented the petition of sundry persons of Franklin county, demanding for women the right of suffrage,

Which was referred to the select committee on that subject,

Mr. Cattell presented the petition of Lucy Stone Blackwell, Antoinette Brown Blackwell, and 118 others, on the same subject,

Which was referred to the same committee.

Also, of Mary F. Rodgers and 97 others, on the same subject,

Which was referred to the same committee.

Mr. Marsh presented the petition of sundry persons of Dayton and Wilmington, on the same subject,

Which was referred to the same committee.

The President laid before the Senate the memorial of Asa G. Dimmock, former Warden of the Ohio Penitentiary, relative to certain statements in the State Auditor's Report for the year 1855.

On motion of Mr. Brazee, the memorial was referred to the committee on the Penitentiary.

Mr. Spencer, from the committee on Public Works, to whom was referred sundry petitions asking the State to take charge of the slack-water from the head of the Trenton feeder to Urichsville, in Tuscarawas county, reported the following bill, which was read the first time :

S. B. No. 156 ; Authorizing the Board of Public Works to take charge of the slack-water from the head of the Trenton feeder to Urichsville, in Tuscarawas county.

Mr. Hardy, select committee to whom was referred S. B. No. 134 ; An act to amend an act entitled "an act to provide for the organization of cities and incorporated villages," and the act amendatory thereto, passed March 11, 1853, reported the same back without amendment, and with the recommendation that the bill be passed.

The bill was then read the third time, and the question being shall the bill pass? the yeas and nays were ordered, and resulted—yeas 22, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brown, Buckland, Burnett, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Lawder, Lawrence, Lewis, Lunt, Marsh, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—22.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Lawrence, from the select committee to whom was referred S. B. No. 75, reported the same back with sundry amendments,

And the question being on agreeing to the amendments, they were adopted, and the bill ordered to be engrossed and read the third time to morrow.

Mr. Griswold, from select committee, reported back H. B. No. 59, with sundry amendments,

And the question being on agreeing to the amendments, they were severally adopted.

The question being on the engrossment of the bill, Mr. Kelley moved to amend by adding as follows to the end of section 6 :

“Provided, That in constructing such sewers, the rights of individuals in regard to the drainage or sewerage of any lot or parcel of land, shall in nowise be infringed or interfered with,

And the question being upon agreeing to the amendment, it was adopted.

The question recurring on the engrossment of the bill,

Mr. Holmes moved to amend by adding at the end of section 1, as follows :

“And provided further, that no real estate or buildings thereon, devoted to hospital purposes, or other like benevolent institutions, shall be sold, leased, or disposed of, under any of the provisions of this act.

And the question being on agreeing to the amendment, it was adopted.

The amendments were then ordered to be engrossed, and the bill to be read the third time to-morrow.

On motion of Mr. Buckland, the committee of the whole was discharged from any further consideration of S. B. No. 100, and the same was referred to the committee on the Judiciary.

On motion of Mr. Griswold, the committee of the whole was discharged from any further consideration of S. B. No. 119 ; An act authorizing the election of one additional Judge of the Court of Common Pleas in the county of Cuyahoga.

The bill was then read the third time, and the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Burnett, Canfield, Cattell, Conversé, Gardner, Griswold, Hamilton, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Marsh, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Wilford—27.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Phelps, the committee of the whole was discharged from any further consideration of S. B. No. 84, and the same was recommitted to Messrs. Phelps, Taylor of Mahoning, and Matthews, as a select committee of three.

On motion of Mr. Brand, the committee of the whole was discharged from any further consideration of H. B. No. 12, and the same was recommitted to Messrs. Brand and Baird, as a select committee of two.

On motion of Mr. Canfield, the committee of the whole was discharged from any further consideration of S. B. No. 66, and the same was recommitted to Mr. Canfield as a select committee of one.

On motion of Mr. Marsh, the committee of the whole was discharged from further consideration of S. B. No. 103, and the amendments reported by the select committee were agreed to, and the bill ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Brown, it was

Resolved, That hereafter when the Senate adjourn, it will adjourn to meet at 9 o'clock, A. M., until otherwise ordered.

On motion of Mr. Taylor of Geauga, S. B. No. 122, was taken from the committee of the whole, and recommitted to the committee on Schools and School Lands.

Wednesday, March 26, 1856.

Mr. Brand, from the select committee to whom was referred S. B. No. 155, reported the same back with sundry amendments, which were agreed to, and the bill ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Hardy, H. B. No. 117 was taken from the committee of the whole, and recommitted to Messrs. Hardy, Lewis and Gardner, as a select committee of three.

Message from the House of Representatives.

Mr. President :

The House has passed the following House Joint Resolution, relative "to a loan made by the Ohio University from the State of Ohio," in which the concurrence of the Senate is requested.

Attest :

J. S. ROBINSON, Clerk.

On motion, the foregoing House Joint Resolution was referred to the committee on Universities, Colleges and Academies.

Message from the House of Representatives.

Mr. President :

The House accedes to the request of the Senate, and return herewith House Joint Resolution relative to indexing the Local Laws.

Attest :

JAMES S. ROBINSON, Clerk.

Mr. Buckland moved to reconsider the vote upon the passage of the foregoing House Joint Resolution,

And the question being upon reconsideration, Mr. Buckland moved to lay the motion to reconsider on the table,

Which motion was agreed to.

Message from the House of Representatives.

Mr. President :

The House has passed H. B. No. 135 ; "To amend an act entitled an act to provide for the sale of the Western Reserve School Lands, passed February 17, 1849."

The House has also passed the following bill, with amendment herewith enclosed :

S. B. No. 42 ; Prescribing the duties of the Auditor and Treasurer of State, relative to the receipt, safe keeping, and disbursement of public moneys, and accounting therefor.

Attest :

J. S. ROBINSON, Clerk.

The foregoing H. B. No. 135, was then read the first time.

On motion of Mr. Kelley, the foregoing S. B. No. 42, with pending House amendments, was referred to the committee on Finance.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill, with amendments herewith enclosed :

S. B. No. 41 ; Prescribing the duties of the Commissioners of the Sinking Fund in certain cases.

Atte :

J. S. ROBINSON, Clerk.

On motion of Mr. Kelley, the foregoing S. B. No. 41, with pending House amendments, was recommitted to the committee on Finance.

Message from the House of Representatives.

Mr. President :

The House has passed the following House Bill, in which the concurrence of the Senate is requested :

H. B. No. 157 ; "To authorize the sale of section sixteen of original surveyed township number eight, range twelve, in the county of Morgan."

The House has passed S. B. No. 99, with an amendment :

S. B. No. 99 ; To amend the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Attest :

J. S. ROBINSON, Clerk.

The foregoing H. B. No. 157, was then read the first time.

Mr. Holmes moved that the House amendments to the foregoing S. B. No. 99, be agreed to.

Upon which question, the yeas and nays were ordered, and resulted—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Brown, Buckland, Burnett, Canfield, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lewis, Lunt, Marsh, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—23.

So the amendments were adopted.

Message from the House of Representatives.

Mr. President :

The House has passed the following Senate Bills, with amendment herewith transmitted:

S. B. No. 29 ; To enable Mutual Insurance Companies to become Joint Stock Companies.

S. B. No. 62 ; To amend the second section of the act entitled "an act for the incorporation of townships," passed March 14, 1835.

Attest :

J. S. ROBINSON, Clerk.

Mr. Heaton moved that the House amendments to the foregoing S. B. No. 29, be adopted,

And the question being on agreeing to the amendments, the yeas and nays were ordered, and resulted—yeas 27, nays none,

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—27.

So the amendments were adopted.

Mr. Baird moved that the House amendments to the foregoing S. B. No. 62, be adopted.

Upon which question, the yeas and nays were ordered, and resulted—yeas none, nays 26.

Those who voted in the negative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—26.

So the amendments were disagreed to.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills, in which the concurrence of the Senate is requested :

H. B. No. 141 ; Supplementary to an act entitled “ an act defining the jurisdiction and regulating the practice of probate courts.

H. B. No. 162 ; Supplementary to an act “ to prescribe the times for holding the court of common pleas in the third sub-division of the fifth judicial district,” passed February 8, 1856.

H. B. No. 83 ; To regulate the admission of attorneys at law in certain cases.

H. B. No. 133 ; Supplementary to an act entitled “ an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

H. B. No. 96 ; To amend an act entitled an “ act to regulate the election of State and county officers,” passed May 3, 1852.

Attest :

JAMES S. ROBINSON, Clerk.

The foregoing House bills were then severally read the first time.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills without amendment :

S. B. No. 50 ; To enable railroad companies to fund their floating debts.

S. B. No. 55 ; To amend an act entitled an “ act to create a permanent agricultural fund in the State of Ohio, and for other purposes.

S. B. No. 81 ; To authorize the commissioners of Miami county to issue bonds to raise money to pay the debts of said county.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has, in the presence of the same, signed the following enrolled bill and joint resolutions :

S. B. No. 56 ; To provide for the government of schools and academies specially endowed.

S. J. R. No. 7 ; Relative to holding an adjourned session.

S. J. R. No. 8 ; Relative to an adjournment of the Legislature.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bill and joint resolutions.

On motion of Mr. Heaton, the Senate went into Executive session to consider nominations to office sent in by the Governor.

The Communications of the Governor were taken from the table and read.

The first announcing the appointment of Daniel Skinner to be collector of tolls at Hamilton.

The second announcing the appointment of Edmund H. Davis to be collector of tolls at Carroll.

The third announcing the appointment of the Rev. Benjamin P. Aydelotte, to be trustee of the Miami University.

Mr. Heaton moved that the Senate do advise and consent to the appointment of Daniel Skinner to be collector of tolls at Hamilton.

And the question being upon advising and consenting to the appointment,

The yeas and nays were ordered, and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—30.

So the Senate advised and consented to the appointment of Daniel Skinner to be collector of tolls.

Mr. Brazee moved that the Senate do advise and consent to the appointment of Edmund H. Davis to be collector of tolls at Carroll.

And the question being on advising and consenting to the appointment,

The yeas and nays were ordered and resulted—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—29.

So the Senate advised and consented to the appointment of Edmund H. Davis to be collector of tolls.

Mr. Marsh moved that the Senate do advise and consent to the appointment of Rev. Benjamin P. Aydelotte to be trustee of Miami University.

And the question being upon advising and consenting to the appointment,

The yeas and nays were ordered, and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—30.

So the Senate advised and consented to the appointment of Rev. Benjamin P. Aydelotte to be trustee of Miami University.

Mr. Brown moved to reconsider the vote on advising and consenting to the appointment of Nathan T. Bradford to be collector of tolls at Circleville.

And the question being upon reconsideration,

Mr. Brown moved to lay the motion to reconsider on the table,

Which was agreed to,

The Senate then took a recess.

THREE O'CLOCK, P. M.

Mr. Canfield, from the committee on Schools and School Lands, on suspension of the rules, reported back S. B. No. 122, with sundry amendments, with the recommendation that they be adopted, and the bill ordered to be engrossed.

And the question being on agreeing to the amendments, they were adopted, and the bill ordered to be engrossed and read the third time to-morrow.

Mr Warfel moved to take from the table the report of the committee of Conference on House bill No. 1,

Which was agreed to,

And the question being on agreeing to the report, it was adopted.

Mr. Baird moved to reconsider the vote on agreeing to the report,

And the question being on reconsideration, the yeas and nays were demanded, ordered, and resulted—yeas 15, nays 15.

Those who voted in the affirmative were—

Messrs. Baird, Brown, Buckland, Cattell, Converse, Gardner, Griswold, Hardy, Holmes, Kelley, Kirk, Lunt, Taylor of Geauga, Taylor of Mahoning, and Warfel—15.

Those who voted in the negative, were—

Messrs. Brand, Brazee, Burnett, Hamilton, Hawley, Heaton, Hyer, Lawder, Lawrence, Lewis, Marsh, Phelps, Rush, Spencer, and Willford—15.

The President of the Senate then announced the vote to be, yeas 15, nays 15, and that the Senate being equally divided, he would cast his vote in the affirmative.

So the motion to reconsider prevailed.

The question recurring on the adoption of the report, the yeas and nays were demanded, ordered, and resulted—yeas 15, nays 15.

Those who voted in the affirmative were—

Messrs. Brand, Brazee, Burnett, Cattell, Hamilton, Hawley, Heaton, Hyer, Lawder, Lawrence, Lewis, Marsh, Phelps, Spencer, and Willford—15.

Those who voted in the negative were—

Messrs. Baird, Brown, Buckland, Converse, Gardner, Griswold, Hardy, Holmes, Kelley, Kirk, Lunt, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—15.

The President then announced the vote to be, yeas 15, nays 15, and that the Senate being equally divided, he would cast his vote in the negative.

So the report was disagreed to.

Mr. Warfel moved that a second committee of Conference be appointed,
Which was agreed to.

The President appointed Messrs. Baird and Kirk said committee.

Mr. Brazee asked and obtained leave to withdraw his motion to reconsider the vote on advising and consenting to the appointment of James W. Crooks to be collector of tolls at Logan.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the bill "To incorporate the Bank of Ohio, and other Banks."

After some time spent therein the committee rose, and the Chairman reported that the committee had had under consideration,

S. B. No. 139; "To incorporate the Bank of Ohio, and other Banks," and had had made progress therein, and asked leave to sit again,

Which was granted.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

THURSDAY, MARCH 27, 1856.

Mr. Taylor of Mahoning, presented the petition of S. W. Gilson and 10 other members of the bar of Mahoning county, asking additional time for the district court, or an additional term of said court,

Which was referred to Mr. Taylor of Mahoning, as a select committee of one.

Mr. Gardner presented the petition of sundry citizens of Licking county, praying that the salaries of Judges of the supreme and common pleas courts be increased,

Which was ordered to lie upon the table.

Mr. Musgrave presented the remonstrance of sundry citizens of Ashland county, against the repeal or essential modification of the present school law,

Which was committed to the committee of the whole.

Mr. Kelley, from the committee on Finance, to whom was referred S. B. No. 41, with pending House amendments, reported the same back, and recommended that the Senate agree to the first amendment of the House, and to agree to the second amendment of the House, amended as follows, viz: Insert in the first line of the House amendment after the word "shall," the words "if they deem it necessary."

And the question being upon agreeing to the report of the committee, it was adopted, and the several amendments proposed agreed to.

The same committee, to whom was referred S. B. No. 42, with pending House amendments, reported the same back, with the recommendation that the Senate disagree to the "first" and "second" of said House amendments, and to agree to the "third" of said amendments, with the following amendment thereto: viz: Insert in the 6th line thereof after the word "redeeming," the word "any." To disagree to the "fourth" amendment of the House. To agree to changing the

numbers of the sections, and to ask a committee of conference on the subject matters of disagreement.

The question being on agreeing to the report of the committee, it was adopted.

Mr. Buckland, from the committee on Corporations, other than Municipal, reported back

H. B. 79 ; Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1st, 1852, without amendment, and with the recommendation that the bill be passed.

The bill was read the third time, and question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—29.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Griswold, from the Judiciary committee, reported back S. B. No. 100, with the recommendation that two additional sections, reported as section 4 and section 5, be adopted, and the bill passed.

The question being on agreeing to the sections reported, they were adopted, and the bill engrossed at the Clerk's desk, and read the third time.

The question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 26, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lunt, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—26.

Those who voted in the negative were—

Messrs. Canfield, Hardy, Lewis, and Rush—4.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

The same committee, to whom was referred S. B. No. 61, with pending Senate amendments, reported the same back with sundry amendments to the amendment.

The question being on agreeing to the amendments to the Senate amendment, they were severally adopted, and the amendment of the Senate, as amended, agreed to, and the bill ordered to be engrossed and read the third time to-morrow.

Mr. Hawley, from the joint standing committee on Enrollment, submitted the following report :

The joint standing committee on Enrollment report, that they have examined and find correctly enrolled the following bills and joint resolutions, viz :

H. B. No. 113 ; To establish the superior court of Montgomery county.

H. B. No. 57 ; To repeal section three of an act entitled an act to incorporate certain towns therein named, passed March 19, 1850. Also, to repeal an act

entitled an act in relation to common schools in the town of Attica, in Seneca county.

H. B. No. 29 ; To ascertain the number and other facts respecting deaf and dumb, blind, insane and idiotic persons in the State of Ohio.

H. B. No. 6 ; Supplementary to act defining the powers and duties of Justices of the Peace and Constables in criminal cases.

H. J. R. Relative to printing agricultural reports,

D. McFARLAND,
Chairman House Com.
C. G. HAWLEY,
M. D. HARDY,
Senate Com.

Mr. Phelps, from the select committee, to whom was recommitted

H. B. Ho. 58 ; To provide for the uniform government and better regulation of the lunatic asylums of the State, reported the same back with the recommendation that it be amended as follows :

1st. Strike out sections 19, 20, and 21.

2d. Add sections reported from 22 to 70, inclusive, as additional sections.

The amendments were then severally agreed to and ordered to be engrossed.

S. B. No. 143 was read the second time, and referred to the committee on Railroads and Turnpikes.

S. B. No. 152 was read the second time and referred to the committee of the whole, and made the special order for Saturday next.

S. B. No. 138 was read the second time, and ordered to be engrossed and read the third time to-morrow.

S. B. No. 140 was read the second time, and committed to the committee of the whole Senate.

S. B. No. 143 was read the second time, and referred to the Judiciary committee.

S. B. No. 148 was read the second time, and,

On motion of Mr. Lawrence, was ordered to be sent to the State Printer, with instructions to be printed in advance of all other printing.

H. B. No. 162 was read the second time, and committed to the committee of the whole Senate.

H. B. No. 141 ; Supplementary to an act entitled "an act defining the jurisdiction and regulating the practice of probate courts,"

Was read the second time.

On motion of Mr. Baird, the constitutional rule was suspended, and the bill read a third time.

The question being, shall the bill pass? the yeas and nays were ordered, and were—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—28.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 83 ; To regulate the admission of attorneys at law in certain cases, was read the second time, and,

On motion of Mr. Taylor of Mahoning, the bill was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and were—yeas 11, nays 14.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brasee, Buckland,, Hardy, Hawley, Lawder, Phelps, Spencer, Taylor of Geauga, Taylor of and Mahoning—11.

Those who voted in the negative, were—

Messrs. Brown, Converse, Gardner, Griswold, Hamilton, Holmes, Kelley, Kirk, Lawrence, Lewis, Lunt, Marsh, Musgrave, and Warfel—14.

So the bill not having received a constitutional majority, was lost on its passage.

Mr. Phelps moved to reconsider the vote by which the bill was lost on its passage.

And the question being on reconsideration,

Mr. Phelps moved to lay the motion to reconsider on the table,

Which was agreed to.

H. B. No. 133 was read the second time, and referred to the committee on Municipal Corporations.

H. B. No. 96 was read the second time, and referred to the committee on Privileges and Elections.

H. B. No. 157 was read the second time and referred to Mr. Hardy as a select committee of one.

H. B. No. 135 was read the second time, and referred to the committee on Claims.

S. B. No. 75 ; To amend the 5th section of an act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852,

Was read the third time.

And the question being, shall the bill pass ?

The yeas and nays were ordered and resulted—yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brown, Buckland, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—27.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Rush asked and obtained leave of absence for a few days.

S. B. No. 155 ; To change the times of holding the district courts in the counties of Clark, Warren, Clinton, and Green, being a part of the second common pleas district,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—28.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 122 ; For the protection of schools and lyceums,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 24, nays 3.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Brown, Buckland, Burnett, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—24.

Those who voted in the negative were—

Messrs. Converse, Holmes, and Lawrence—3.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 103 ; To authorize the incorporation of joint stock insurance companies,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 27, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hawley, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Spencer, Phelps, Taylor of Geauga, Taylor of Mahoning, and Warfel—27.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Phelps, the constitutional rule was suspended, and

H. B. No. 59, was read the third time,

And the question being on the passage of the bill,

Mr. Lewis moved to amend the bill by way of ryder, as follows :

Add the following as section 10 :

“ Sec. 10. That in any city of the second class, whenever in the judgment of the city council it shall become necessary to purchase grounds and erect a market house in such city, it shall be lawful for the city council to make such purchase and erect such building ; and for the purpose of defraying the expenses thereof,

such city council is hereby authorized to contract loans and issue their bonds therefor, in any sum not exceeding twenty thousand dollars (\$20,000,) and payable at such time, not exceeding fifteen years, and with such rate of interest thereon, not exceeding seven per cent. per annum, as may be provided by ordinance."

And the question being on agreeing to the amendment, it was adopted,
 And the bill as amended was referred to Mr. Spencer, as a select committee of one.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 88, without amendment :

"Supplementary to an act to confirm the charter of the Covington and Cincinnati Bridge Company, incorporated by an act of the General Assembly of Kentucky," passed February 17, 1846, with certain limitations, passed March 9, 1849.

Attest :

JAS. S. ROBINSON, Clerk.

S. B. No. 84 ; An act to provide for the registration of births, marriages and deaths in Ohio,

Was read the third time,

And the question being, shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 21, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hyer, Kirk, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga and Taylor of Mahoning—21.

Those who voted in the negative were—

Messrs. Brown, Hawley, Heaton, Holmes, Lawder and Warfel—6.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

The Senate then took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Heaton, S. B. No. 105 was taken from the table and recommitted to Messrs. Heaton, Hamilton and Taylor of Geauga.

On motion of Mr. Holmes, S. B. No. 140 was taken from the committee of the whole and recommitted to the committee on Corporations other than Municipal.

On motion of Mr. Lewis, S. B. No. 124 was taken from the committee of the whole and recommitted to Mr. Lewis, as a select committee of one.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on S. B. No. 139 ; To incorporate the Bank of Ohio, and other banks.

After some time spent therein, the committee rose. and the chairman reported back, the bill, with sundry amendments.

And the question being on agreeing to the amendments,
On motion of Mr. Phelps, the Senate took a recess till half past 7 this evening.

HALF PAST SEVEN O'CLOCK, P. M.

On motion of Mr. Taylor of Mahoning, S. B. No. 79 was taken from the table and referred to a select committee of one.

The President appointed Mr. Taylor of Mahoning said committee.

On motion of Mr. Marsh, the Senate resolved itself into committee of the whole on S. B. No. 109 ; To prevent slave holding in the State of Ohio.

After some time spent therein the committee rose, and the chairman reported back the bill, and asked leave to sit again.

Which was agreed to.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

FRIDAY, MARCH 28, 1856.

Prayer by the Rev. Mr. Davis.

Mr. Holmes presented the memorial of W. Steel, asking the Legislature to extend the provisions of the act regulating sales at auction, so as to include the county of Hamilton,

Which was referred to Messrs. Holmes and Converse, as a select committee of two.

Also, the memorial of J. Dan Jones, asking that the commissioners of Hamilton county be authorized to sell certain real estate in said county,

Which was referred to the same committee.

Mr. Warfel, from the committee on Claims, to whom was referred the petition of Joseph Strickler, reported by resolution as follows, which was adopted.

Resolved, That Joseph Strickler have leave to withdraw his petition and accompanying papers, and that the committee be discharged from any further consideration of the claim.

Mr. Buckland, from the committee on Corporations other than Municipal, reported back

S. B. No. 140, with one amendment, which was agreed to, and the bill ordered to be engrossed and read the third time to-morrow.

Mr. Heaton, from the special committee to whom was referred

S. B. No. 105, reported the same back with two amendments, which were agreed to, and the bill was ordered to be engrossed and read the third time to-morrow.

Friday, March 28, 1856.

Mr. Hardy, special committee to whom was referred H. B. No. 117, reported the same back without amendment, and recommended its passage.

Mr. Spencer, from select committee to whom was referred

H. B. 59 ; An act supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, with sundry amendments ;

Which were agreed to,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 24, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawrence, Lewis, Musgrave, Phelps, Spencer Taylor of Geauga, Taylor of Mahoning and Warfel—24.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Brand from the select committee to whom was recommitted

H. B. No. 12, reported the same back without amendment, and recommended the passage of the bill.

Mr. Hardy, select committee, to whom was recommitted

H. B. No. 157 ; An act to authorize the sale of section 16 of original surveyed township No. 8, range 12, in the county of Morgan, reported the same back without amendment,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Converse, Griswold, Gardner, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawrence, Lewis, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—27.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Holmes, from select committee to whom was referred the memorial of W. Steel, reported by bill, as follows :

S. B. No. 157 ; A bill supplementary and amendatory to the act entitled “ an act regulating sales at auction, passed March 16, 1840.

Which was read the first time.

Mr. Holmes, from the select committee to whom was referred the memorial of J. Dan. Jones, reported by bill, as follows.

S. B. No. 158 ; To authorize the county commissioners of Hamilton county, to sell certain real estate.

Which was read the first time.

Mr. Lewis, select committee to whom was recommitted

S. B. No. 124, reported the same back, without amendment, and with the recommendation that the bill be passed.

Ordered that the bill be engrossed, and read the third time to-morrow.

Mr. Marsh, from a majority of the joint committee on amendments to the present constitution, submitted a report of a majority of said committee :

Which report was laid on the table and ordered to be printed.

Mr. Buckland, from the committee on Finance, to whom was referred Senate joint resolution, relative to the contract made between the late Ohio Canal Fund Commissioners with the Columbus Insurance Company, submitted a report from a majority of said committee, which concluded with the recommendation that the following resolution be adopted as a substitute for the original :

Resolved, by the General Assembly of the State of Ohio, That the contract dated the 31st day of December, 1849, made between the late Ohio Canal Fund Commissioners and the Columbus Insurance Company, by which one hundred thousand dollars of the funds of the State were deposited with said company, and the bond of Wm. Miner and others was taken to secure the payment of said money, and the proceedings had on said bond tending to the collection of said money, be and the same are hereby ratified and adopted by the State.

And the question being upon agreeing to the substitute offered as an amendment,

Mr. Kelley moved to amend the amendment, by adding the following proviso :

Provided, That the assuming of said contract shall not be so construed as to have a retro-active effect, injurious to the sureties who became obligated to the Fund Commissioners for the repayment of the aforesaid sum of money, by creating any legal liability against such sureties in case no legal or equitable liability shall be adjudged to have existed at the time of such undertaking,

And the question being on agreeing to the amendment to the amendment,

On motion of Mr. Phelps, the substitute and pending amendment, were temporarily laid on the table.

Senate bills Nos. 142 and 145, were severally read the second time, and referred to the committee on the Judiciary.

Senate bill No. 144 was read the second time and committed to the committee of the whole Senate.

Senate bill No. 153 was read the second time and referred to the committee on Railroads and Turnpikes.

H. B. No. 117, To authorize the commissioners of Washington county, to borrow money to pay the interest of July, 1856, on certain bonds issued by said county,

Was read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 26, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Braze, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley Kirk, Lawder, Lawrence, Lewis, Musgrave, Phelps, Taylor of Mahoning, and Warfel—26.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 124 ; To amend an act entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases, passed March 14, 1853,

Was read the third time,

And the question being on the passage of the bill,

On motion of Mr. Gardner, the bill was recommitted to a select committee of three.

The President appointed Messrs. Lewis, Hardy and Gardner said committee.
The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion,

H. B. No. 77, was taken from the committee of the whole and recommitted to Mr. Taylor of Geauga.

Mr. Brown asked and obtained leave of absence until Monday.

Mr. Kirk asked and obtained leave of absence until Monday afternoon next.

On motion of Mr. Hamilton,

H. B. No. 59, was recommitted to Messrs. Phelps, Spencer and Hamilton.

On motion of Mr. Brown, the resolution relative to the contract made by the Canal Fund Commissioners with the Columbus Insurance Company, with pending amendments, was taken from the table,

And the question being on the amendment offered by Mr. Kelley to the substitute reported by a majority of the Finance committee,

Mr. Brand moved to recommit the resolution, with pending amendments, to the Judiciary committee ;

Which motion was lost.

The question recurring on the amendment to the substitute,

The yeas and nays were demanded, ordered, and resulted—yeas 4, nays 24.

Those who voted in the affirmative were—

Messrs. Brand, Kelley, Spencer and Taylor of Mahoning—4.

Those who voted in the negative were—

Messrs. Baird, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Musgrave Phelps, Taylor of Geauga, Warfel, and Willford—24.

So the amendment was disagreed to.

The question recurring on the adoption of the substitute,

Mr. Taylor of Mahoning, moved to amend the same by adding as follows :

And provided that this resolution shall not be construed to release the Canal Fund Commissioners, any or either of them, or their sureties, from any liability to the State which might otherwise exist against them, or any or either of them,

And the question being upon agreeing to the amendment,
The yeas and nays were ordered, and resulted—yeas 2, nays 26.

Those who voted in the affirmative were—
Messrs. Brand, and Taylor of Mahoning—2.

Those who voted in the negative were—
Messrs. Baird, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Geauga Warfel and Willford—26.

So the amendment was disagreed to.

The question again recurring on the adoption of the substitute, reported as an amendment by the Finance committee,

It was adopted.

Mr. Taylor of Mahoning, offered for adoption the following resolution :

Resolved, That the Commissioners of the Sinking Fund be and they are hereby authorized to settle and adjust the claim of the State for the money loaned by the late Commissioners of the Canal Fund to the Columbus Insurance Company, upon such terms as may appear just and equitable, and for the interest of the State,

And the question being on agreeing to the resolution,

The yeas and nays were demanded, ordered, and resulted—yeas 5, nays 22.

Those who voted in the affirmative were—
Messrs. Brand, Canfield, Kelley, Spencer and Taylor of Mahoning—5.

Those who voted in the negative were—
Messrs. Baird, Brazee, Brown, Buckland, Burnett, Cattell, Converse, Gardner, Griswold, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Musgrave, Phelps, Taylor of Geauga, Warfel and Willford—22.

So the resolution was disagreed to.

S. B. No. 61; To prevent kidnapping,

Was read the third time.

And the question being upon the passage of the bill, the yeas and nays were ordered, and resulted—yeas 22, nays 5.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kirk, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Geauga, and Warfel—27.

Those who voted in the negative were—

Messrs. Brown, Converse, Holmes, Taylor of Mahoning and Willford—5.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Friday, March 28, 1856.

S. B. No. 138 ; Authorizing cemetery associations heretofore incorporated to avail themselves of the provisions of an act entitled an act making provisions for the incorporation of cemetery associations, passed Feb. 24, 1848,

Was read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—29.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 12 ; To regulate insurance companies not incorporated by the State of Ohio,

Was read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 21, nays 8.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kirk, Lawder, Lewis, Musgrave, Phelps, Spencer, Taylor of Geauga and Warfel—21.

Those who voted in the negative were—

Messrs. Canfield, Converse, Gardner, Holmes, Kelley, Lawrence, Musgrave and Taylor of Mahoning—8.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has acceded to the request of the Senate, and have appointed Messrs. Hume, Cadwell and Miller, a committee of conference on the part of the House, on the matters of difference on

H. B. No. 1 ; To restore to the jurisdiction of the common pleas all minor offences.

The House has also appointed Messrs. Langdon, True and Simmons, a committee of conference on the part of the House on the matter of difference on

S. B. No. 62 ; To amend the second section of an act entitled an act for the incorporation of townships, passed March 14, 1853.

Attest :

JAMES S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed the following House bill in which the concurrence of the Senate is requested :

H. B. No. 140 ; Supplementary to an act entitled an act to provide for the division of townships into election precincts.

H. B. No. 150 ; To authorize incorporated villages to take the enumeration of their inhabitants for the purpose of becoming cities of the second class.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House Bills were then severally read the first time.

Mr. Holmes gave notice that he would on to-morrow ask leave to introduce a bill supplementary to an act entitled an act to prevent nuisances, passed Feb. 28, 1831.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills without amendment :

S. B. No. 125 ; For the relief of the stockholders and creditors of the Sandusky, Mansfield and Newark Railroad Company.

S. B. No. 133 ; To authorize the commissioners of Hamilton county to aid in the construction of a bridge across the White Water River, near the village of Harrison, in said county.

The House has passed the following bill, with amendments herewith enclosed :

S. B. No. 53 ; Providing for recording, printing and distributing the Journals of the General Assembly and the Laws and Public Documents.

The House has also passed the following bill, in which the concurrence of the Senate is requested.

H. H. No. 126 ; To confirm sales made by the trustees of civil townships of section sixteen, and other lands granted by Congress in lieu thereof to purchasers.

Attest :

J. S. ROBINSON, Clerk.

Mr. Hamilton moved that the amendments made by the House to the above S. B. No. 53, be agreed to,

Upon which question the yeas and nays were ordered and resulted—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazeo, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley,, Kirk, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—28.

So the amendments were adopted.

H. B. No. 126 was then read the first time.

Message from the House of Representatives.**Mr. President :**

The House has directed the return of Senate bill No. 42 to the Senate, with its accompanying message, and request the Senate to act upon House amendments No. " 5," " 6," and " 7," to said bill.

The House has passed

H. B. No. 153 ; " Authorizing the State of Ohio to adopt as part of the Public Works of the State that portion of the Sandy and Beaver Canal which lies between Bolivar and Sandyville," in which the concurrence of the Senate is requested.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Kelley, the foregoing S. B. No. 42 was referred to the Finance committee.

H. B. No. 153 was then read the first time.

Hr. Hawley, from the joint committee on Enrollment, submitted the following report :

The joint Enrolling committee have examined, and found correctly enrolled, the following bills and joint resolutions :

S. B. No. 9 ; Concerning the enacting and repealing of statutes.

S. B. No. 21 ; To amend sections 489, 490, and 491 of the act entitled an act to establish a code of civil procedure, passed March 2, 1853.

S. B. No. 38 ; To authorize the Judges of the court of common pleas of each judicial district to fix permanently the times for holding the courts of common pleas and district court therein.

S. B. No. 50 ; To enable railroad companies to fund their floating debts.

S. B. No. 55 ; To amend an act entitled an act to create a permanent agricultural fund in the State of Ohio, and for other purposes.

S. B. No. 81 ; To authorize the Commissioners of Miami county to issue bonds to raise money to pay the debts of said county.

S. B. No. 87 ; To authorize railroad companies to appoint a Vice President, and to define his duties.

S. B. No. 88 ; Supplementary to an act to confirm the charter of the Covington and Cincinnati Bridge Company, incorporated by an act of General Assembly of Kentucky, passed February 17th, 1846, with certain limitations, passed March 9, 1849.

S. J. R. No. 10 ; Relating to printing extra numbers of S. B. No. 139.

S. J. R. No. 9 ; Relative to furnishing Fayette county with copies of Ohio Reports.

S. J. R. No. 11 ; Relative to the suspension of contracts and labor on the new State House.

C. G. HAWLEY,
M. D. HARDY,
Senate Com.
D. McFARLAND,
House Com.

Mr. Taylor of Geauga, from special committee, reported back H. B. 77, and recommended its passage.

On motion of Mr. Canfield, it was

Resolved, That the State House Commissioners be instructed to communicate to the Senate, at the earliest time possible, an estimate as near as practicable of the cost of labor and materials necessary for the work required to be done for the current year on the new State House, in accordance with the 8th section of Senate bill No. 148, reported by the committee on State Buildings; and that the estimate for each of the two rooms designated for the use of the two branches of the General Assembly, and for each suite of rooms and the cupola, be reported separately.

Mr. Taylor of Mahoning, select committee, to whom was referred S. B. No. 79, reported the same back with sundry amendments, and recommended their adoption.

On motion of Mr. Phelps, the bill, with pending amendments, were laid on the table.

Mr. Hamilton, from the special committee, to whom was referred

H. B. No. 58; To provide for the uniform government and better regulation of the Lunatic Asylums of the State, and the care of Idiots and the Insane, reported the same back.

And the question being, shall the bill pass? the yeas and nays were demanded, ordered, and resulted—yeas 26, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawence, Lewis, Musgrave Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—26.

Mr. Spencer voted in the negative.

So the bill having received a constitutional majority, was passed.

Ordered that the title be amended by adding to the same as follows: "And the care of Idiots and the Insane."

On motion of Mr. Heaton, it was

Resolved, That the resolution passed by the Senate, February 17th, 1856, in relation to inquiring into the use of certain liquors at the Columbus Lunatic Asylum, is hereby amended so as to authorize the committee to inquire into, and report the use of all other liquors subsequent to that specified and named in said resolution.

On motion of Mr. Holmes, the Senate took a recess, until half past seven o'clock this evening.

HALF PAST SEVEN O'CLOCK, P. M.

On motion of Mr. Brazee,

S. B. No. 139; To incorporate the Bank of Ohio and other Banks, was taken from the table.

22—SENATE JOUR.

And the question being on agreeing to the amendments proposed in committee of the whole,

Mr. Converse moved that all the amendments be adopted, except the one striking out the word "two," in line three, of section five, and the one striking out all after the word "of," in line nine, of section 28,

Which motion was agreed to.

The question then being upon agreeing to the amendment, striking out the word "two," in line three, of section five,

The yeas and nays were demanded, ordered and resulted—yeas 11, nays 15.

Those who voted in the affirmative were—

Messrs. Baird, Buckland, Burnett, Canfield, Converse, Gardner, Lawrence, Hyer, Lewis, Musgrave, Taylor of Geauga—11.

Those who voted in the negative were—

Messrs. Brand, Brazee, Brown, Griswold, Hamilton, Hardy, Heaton, Holmes, Kelley, Lawder, Phelps, Spencer, Taylor of Mahoning Warfel, and Willford—15.

So the amendment was disagreed to.

Mr. Taylor of Geauga, asked and obtained leave of absence until Tuesday next.

On motion of Mr. Brand, S. B. No. 104 was taken from the table and recommitted to Mr. Hamilton as a select committee of one.

The Senate then adjourned.

Attest

W. T. BASCOM, Clerk.

SATURDAY, MARCH 29, 1856.

Prayer by Rev. Mr. Lee.

Mr. Buckland move a suspension of the rules to enable him to move the reference of a resolution,

Which was agreed to.

Whereupon, Mr. Mr. Buckland moved that the resolution relative to the contract made by the Canal Fund Commissioners with the Columbus Insurance Company, be recommitted to a select committee of one,

Which was agreed to.

The President appointed Mr. Buckland said committee.

Mr. Baird presented the petition of John C. Henry, of Brown county, praying the passage of a law to reduce county and township roads to a width of 30 feet, and where roads run with the line of lands, that each landholder shall give one-half,

Which was referred to the committee on Roads and Highways.

Mr. Heaton presented the memorial of David P. Egbert relative to certain fees

claimed by him to be due from the State to him, for conveying prisoners to the Ohio Penitentiary,

Which was referred to the committee on the Penitentiary.

Mr. Kelley, from the committee on Finance, to whom was referred House amendments to S. B. No. 42, reported the same back, with the recommendation—

First. That the Senate disagree to the first amendment of the House.

Second. That the Senate agree to the Second amendment of the House, with the following amendment thereto, i. e., insert in the 6th line of the section proposed to be inserted as section 9, after the word "redeeming," the word "any."

Third. That the Senate disagree to the third and fifth amendments of the House.

Fourth. That the Senate agree to the fourth, sixth, and seventh amendments of the House.

Fifth. That the Senate ask a committee of Conference on the matters of disagreement.

And the question being on agreeing to the report, it was adopted.

Mr. Brand from the committee on Railroads and Turnpikes, reported back

S. B. No. 143, without amendment, and with the recommendation that the bill be passed.

The bill was recommitted to the committee of the whole Senate.

Mr. Griswold from the committee on Municipal Corporations, reported back H. B. No. 133, and recommended its passage.

Mr. Buckland, special committee, to whom was recommitted

S. J. R. Relative to the contract made by the Ohio Canal Fund Commissioners with the Columbus Insurance Company, reported the same back with the following amendments :

1st, Strike out the word "with," after the "commissioners," and insert the word "and."

2d, Strike out the word "was," after the word "others,"

And the question being upon agreeing to the amendments,

They were adopted.

The question then being upon agreeing to the resolution, as amended, the yeas and nays were demanded, ordered, and resulted—yeas 19, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Lawder, Lawrence, Lewis, Musgrave, Phelps, and Warfel—19.

Those who voted in the negative, were—

Messrs. Brand, Kelley, Spencer and Taylor of Mahoning—4.

So the resolution as amended was adopted.

Mr. Baird, from the select committee, to whom was referred

S. B. No. 24 ; In relation to Foreign Life Insurance Companies, and

S. B. No. 39 ; To amend an act entitled an act to regulate the agencies of Insurance Companies not incorporated by the State of Ohio, passed May 1, 1854,

Reported both of said bills back with the recommendation that they be indefinitely postponed.

And the question being on the indefinite postponement of the bills, they were indefinitely postponed.

Mr. Hamilton, from special committee to whom was referred

S. B. No. 104, reported the same back without any recommendation.

On motion of Mr. Brand, the bill was ordered to be engrossed and read the third time on Monday next.

Mr. Brand, from the committee on Railroads and Turnpikes, reported back

S. B. No. 153, without amendment, and with the recommendation that the bill be passed.

The bill was then read the third time and recommitted to the committee on Railroads and Turnpikes.

Mr. Taylor of Mahoning, from the committee on Finance, reported back

S. B. No. 136, with sundry amendments, and recommended its passage.

The question being on agreeing to the amendments,

They were adopted.

And the bill ordered to be engrossed.

S. B's Nos. 144 and 154 were severally read the second time, and committed to the committee of the whole Senate.

S. B. No. 149 ; To authorize the city of Cincinnati to contract with the Clifton Avenue Turnpike and Plankroad company, for certain purposes,

Was read the second time.

The bill was ordered to be engrossed at the Clerk's desk, and

On motion of Mr. Converse, the constitutional rule was suspended, and the bill read the third time,

And the question being, shall the bill pass ?

The yeas and nays were ordered and resulted—yeas 22, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Mahoning and Warfel—22.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 150, was read the second time and referred to Mr. Griswold as a select committee of one.

H. B. No. 140 ; An act supplementary to an act entitled an act to provide for the division of townships into election precincts,

Was read the second time.

On motion of Mr. Baird, the constitutional rule was suspended, and the bill read the third time,

And the question being, shall the bill pass?

The yeas and nays were ordered and resulted—yeas 22, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Mahoning, and Warfel—22.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Heaton asked and obtained leave of absence until Monday next.

H. B. No. 126, was read the second time, and referred to Mr. Phelps as a select committee of one.

H. B. No. 153, was read the second time, and referred to the committee on Public Works and Public Lands.

Mr. Brand, special committee to whom was recommitted

S. B. No. 153; An act supplemental to an act regulating railroad companies, passed Feb. 11, 1848, and repealing the 8th section thereof, .

Reported the same back with one amendment,

Which was agreed to,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 22, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Mahoning and Warfel—22.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 149; To amend the act entitled an act for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852,

Was read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 21, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Holmes, Hyer, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Mahoning, and Warfel—21.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 105, was read the third time and laid on the table.

S. B. No. 148, was read the third time and committed to the committee of the whole Senate, and made the special order for Tuesday next.

H. B. No. 77 ; An act further defining the duties of coroners, was read the third time,

The question being, shall the bill pass, the yeas and nays were ordered and resulted—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—23.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. 133 ; An act supplementary to an act entitled an act to provide for the organization of cities and incorporated villages," passed May 3, 1852,

Was read the third time,

And the question being shall the bill pass ?

Mr. Holmes moved to amend the bill by way of ryder, as follows:

In section 2, line 10, after the word "same," insert as follows :

"To enable the council fully to investigate charges against the trustees or other officers, or such other matters as they may deem proper, the mayor or police judge at the request of council are hereby empowered to issue subpoena and compulsory process to compel the attendance of persons, and the production of books and papers, before council or any committee of the same ;

Which amendment was agreed to, and the bill read a third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 21, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Musgrave, Phelps, Taylor of Mahoning and Warfel—21.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill and joint resolution :

S. B. No. 126 ; Supplementary to the act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

H. J. R.; Relative to closing the waste-weirs near Dover.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Converse, the foregoing joint resolution was referred to the committee on Public Works and Public Lands.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill with sundry amendments herewith enclosed, in which the concurrence of the Senate is requested :

S. B. No. 77 ; Further to prescribe the duties of county commissioners.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Converse, the foregoing

S. B. No. 77, with pending house amendments, was referred to Messrs. Converse, Phelps and Musgrave, as a select committee of three.

Message from the House of Representatives.

Mr. President :

The Speaker, of the House, in the presence of the same, has signed the following enrolled bill :

S. B. No. 88 ; Supplementary to an act to confirm the charter of the Covington and Cincinnati Bridge Company incorporated by an act of the General Assembly of Kentucky, passed Feb. 17, 1846, and certain limitations, passed March 9, 1849.

The House has passed the following bill with an amendment herewith enclosed :

S. B. No. 36 ; To amend an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the several acts amendatory thereof and supplementary to said acts.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, signed the foregoing enrolled S. B. No. 88.

Mr. Griswold moved that the Senate do agree to House amendment to S. B. No. 36,

And the question being on agreeing to the amendment, the yeas and nays were ordered and resulted—yeas 1, nays 22.

Mr. Griswold voted in the affirmative

Those who voted in the negative, were—

Messrs. Baird, Brand, Braze, Buckland, Canfield, Cattell, Converse, Gardner, Hardy, Hawley, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—22.

So the amendment was disagreed to.

Message from the House of Representatives.

Mr. President :

The Speaker has in the presence of the House, signed the following enrolled bills and joint resolutions :

H. B. No. 113 ; To establish the Superior Court of Montgomery county.

H. B. No. 57 ; To repeal section 3 of an act entitled an act to incorporate certain towns therein named, passed March 19, 1850. Also, to repeal an act in relation to common schools in the town of Attica, Seneca county.

H. B. No. 29 , To ascertain the number and other facts respecting deaf and dumb, blind and insane and idiotic persons in the State of Ohio.

H. B. No. 6 ; Supplementary to an act defining the powers and duties of justices of the peace and constables in criminal cases.

Joint resolution relative to printing Agricultural Reports.

S. B. No. 50 ; To enable railroad companies to fund their floating debts.

S. J. R. No. 9; Relative to furnishing Fayette county with copies of the Ohio Reports.

Attest:

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills and joint resolutions.

Message from the House of Representatives.

Mr. President :

The House has disagreed to Senate amendment to House amendment to

S. B. No. 41 ; Prescribing the duties of the Commissioners of Sinking Fund in cases.

Attest:

J. S. ROBINSON, Clerk.

On motion of Mr. Kelley, the Senate insisted on its amendment to the foregoing House amendment to S. B. No. 41, and asked a committee of conference.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill, with an amendment, herewith enclosed :

S. B. No. 31 ; To regulate and limit the compensation of certain county officers.

Attest :

JAMES S. ROBINSON, Clerk.

The foregoing S. B. No. 31, with pending amendments, was

On motion of Mr. Baird, referred to a select committee of three.

The President appointed Messrs. Baird, Converse and Holmes, said committee.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has, in presence of the same, signed the following enrolled bills and joint resolutions :

S. J. R. No. 10 ; Relating to printing extra numbers of S. B. No. 139.

S. J. R. No. 11 ; Relative to the suspension of contracts and labor on the new State House.

S. B. No. 21 ; To amend sections 489, 490 and 491 of the act entitled an act to establish a code of civil procedure, passed March 2, 1853.

S. B. No. 38 ; To authorize the judges of the court of common pleas of each judicial district to fix permanently the times for holding the court of common pleas and district courts therein.

S. B. No. 55 ; To amend an act entitled an act to create a permanent agricultural fund in the State of Ohio, and for other purposes.

S. B. No 81 ; To authorize the commissioners of Miami county to issue bonds to raise money to pay the debts of said county.

S. B. No. 87 ; To authorize railroad companies to appoint a Vice President, and to define his duties.

Attest :

JAMES S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled joint resolution and bills.

On motion of Mr. Brazee, the Senate went into executive session for the purpose of considering nominations to office sent in by the Governor.

Sundry communications from the Governor were then read, announcing appointments as follows :

Edward F. Wilson, to be inspector at Cleveland ;

Wm. M. Hughes, to be collector at Delphos ;

Nathaniel W. Goodhue, to be collector at Akron ;

John H. Faxon, to be collector at Cleveland.

And the question being upon advising and consenting to the nominations sent in,

Mr. Griswold moved that the Senate do advise and consent to the appointment of Edward F. Wilson to be inspector at Cleveland,

Upon which question the yeas and nays were ordered and resulted—yeas 23, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—23.

So the Senate advised and consented to the appointment of Edward F. Wilson to be inspector at Cleveland.

Mr. Phelps moved that the Senate do advise and consent to the appointment of Wm. M. Hughes to be collector of tolls at Delphos,

Upon which motion the yeas and nays were ordered, and resulted—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—23.

So the Senate advised and consented to the appointment of Wm. M. Hughes to be collector at Delphos.

Mr. Canfield moved that the Senate do advise and consent to the appointment of Nathaniel W. Goodhue to be collector of tolls at Akron.

Upon which motion the yeas and nays were ordered, and resulted—yeas 23, nays none.

Those who voted in the affirmative were

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Musgrave, Phelps, Rush, Spencer, Taylor, of Mahoning, Warfel and Willford—23.

So the Senate advised and consented to the appointment of Nathaniel W. Goodhue to be collector at Akron.

Mr. Canfield moved that the Senate do advise and consent to the appointment of John H. Faxon to be toll collector of tolls at Cleveland,

Upon which motion the yeas and nays were ordered, and resulted—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Gardner, Griswold, Hardy, Hawley, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—23.

So the Senate advised and consented to the appointment of John H. Faxon to be collector of tolls at Cleveland.

The executive session here closed.

On motion of Mr. Brand,

S. B. No. 130 ; To amend the act entitled an act to require mortgages or bills of sale of personal property to be deposited with township clerks, passed Feb, 24, 1846,

Was taken from the committee of the whole, and ordered to be engrossed at the clerk's desk.

The bill was then read the third time.

And the question being, shall the bill pass ?

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on the passage of S. B. No. 130, the yeas and nays were ordered, and resulted—yeas 20, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Cattell, Converse, Hardy, Griswold, Hawley, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Musgrave, Phelps, Taylor of Mahoning, Warfel and Willford—20.

Mr. Canfield voted in the negative.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Converse, the committee of the whole was discharged from any further consideration of

H. B. No. 72, and the same was recommitted to the committee on the Judiciary.

On motion Mr. Taylor of Mahoning, the House of Representatives was requested to return to the Senate H. B. No. 12.

On motion of Mr. Griswold,

S. B. No. 91, was taken from the committee of the whole, and recommitted to the committee on Schools and School Lands.

On motion, S. B. No. 2, was taken from the table and recommitted to Mr. Buckland as a select committee of one.

On motion of Mr. Canfield, the constitutional rule was suspended, and

S. B. No. 150, was read the second time, and committed to the committee of the whole, and made the special order for Monday next.

Mr. Phelps moved that the rules be suspended to enable him to present a petition ;

Which was agreed to,

Whereupon Mr. Phelps presented the petition of sundry citizens of Van Wert county, praying the passage of a special law for the division and sale of Section 16, Township 4, S. R. 4, East ;

Which petition was referred to Mr. Phelps, as a select committee of one.

Mr. Holmes, on leave, presented the following bill, which was read the first time :

S. B. No. 159 ; A bill supplementary to an act entitled an act to prevent nuisances, passed Feb. 28, 1831.

On motion of Mr. Brazee,

S. B. No. 139 ; To incorporate the bank of Ohio, and other banks,

Was taken from the table,

And the question being on agreeing to the amendment proposed in committee of the whole : striking out of section 28, line 9, all after the word "State,"

The yeas and nays were demanded, ordered and resulted—yeas 14, nays 7.

Those who voted in the affirmative were

Messrs. Brand, Brazee, Canfield, Converse, Hardy, Holmes, Kelley, Lawder, Lawrence, Musgrave, Phelps, Taylor of Mahoning, Warfel and Willford—14,

Those who voted in the negative were—

Messrs. Baird, Catte'll, Griswold, Hawley, Hyer, Lewis and Spencer—7.

So the amendment made in committee of the whole, was concurred in.

The question being on the engrossment of the bill,

Mr. Lawrence moved to amend the bill as follows :

Strike out of section 5, all after the word "coin," in the 9th line, to, and including, the word "coin," in the 10th line.

And the question being upon striking out, the yeas and nays were ordered, and resulted—yeas 6, nays 16.

Those who voted in the affirmative were—

Messrs. Converse, Holmes, Lawrence, Musgrave, Phelps and Willford—6.

Those who voted in the negative were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Griswold, Hardy, Hawley, Hyer, Kelley, Lawder, Lewis, Spencer, Taylor of Mahoning and Warfel—16.

So the amendment was disagreed to.

The question recurring on the engrossment of the bill,

Mr. Lawrence moved to amend as follows :

Strike out of section 5, all after the word "sent," in line 14, to the word "each," in the 18th line,

And the question being on agreeing to the amendment, the yeas and nays were demanded, ordered, and resulted—yeas 9, nays 13.

Those who voted in the negative, were—

Messrs. Canfield, Converse, Holmes, Kelley, Lawrence, Phelps, Spencer, Taylor of Mahoning and Willford—9.

Those who voted in the negative were—

Messrs. Baird, Brand, Brazee, Buckland, Cattell, Griswold, Hardy, Hawley, Hyer, Lawder, Lewis, Musgrave and Warfel—13.

So the amendment was disagreed to

Mr. Taylor of Mahoning, moved to amend as follows :

In section 72, line 19, after the word "by," insert these words, "the Treasurer of State and refunded by," and strike out of the same line, all after the word "banks," and insert these words, "as other expenses are refunded,"

And the question being on agreeing to the amendment,

It was adopted.

On motion of Mr. Brazee, the bill was then ordered to be engrossed and read the third time on Monday next.

The President laid before the Senate a communication from the Board of Public Works, in answer to Senate resolution relative to the amount paid James B. Steedman for stone deposited on the Miami and Erie Canal where it passes through said Steedman's farm.

On motion of Mr. Buckland, the communication was referred to the committee on Public Works and Public Lands.

On motion of Mr. Spencer, the constitutional rule was suspended, and

S. B. No. 156 ; Authorizing the Board of Public Works to take charge of the slackwater from the head of the Trenton feeder to Ulrichsville, in Tuscarawas county,

Was read the second time.

On motion of Mr. Spencer, the constitutional rule was again suspended, and the bill read the third time.

And the question being shall the bill pass? the yeas and nays were ordered, and resulted—yeas 18, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Converse, Griswold, Hardy, Hawley, Holmes, Hyer, Kelley, Lawder, Lewis, Musgrave, Phelps, Spencer, Taylor of Mahoning and Warfel—18.

Mr. Canfield voted in the negative.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Brazee, S. B. No. 94, was taken from the table,

And the question being upon the motion to strike out section 1,

The Senate adjourned.

Attest :

W. T. BASCOM, Clerk.

MONDAY, MARCH 31, 1856.

Prayer by the Rev. Mr. Warner.

Mr. Phelps presented the claim of C. M. Godfrey, for traveling expenses and per diem, as trustee of the two new lunatic asylums, amounting to two hundred and forty-nine dollars and thirty-five cents ;

Which was referred to the committee on Benevolent Institutions.

Mr. Griswold, from the Judiciary committee, reported back S. B. No. 141, with one amendment,

Which was adopted,

And the bill ordered to be engrossed and read the third time to-morrow.

Mr. Baird, from a select committee to whom was recommitted S. B. No. 31, with pending House amendments, reported the same back with the recommendation that the amendment be adopted,

And the question being on agreeing to the amendment, the yeas and nays were ordered and resulted—yeas 19, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Canfield, Converse, Griswold, Hawley, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—19.

Mr. Hardy voted in the negative.

So the amendment was concurred in.

Mr. Taylor of Mahoning, select committee, to whom was referred the petition of the members of the bar of Mahoning county, reported by bill as follows, which was read the first time :

S. B. No. 160 ; To authorize the holding of a special term of the district court in Mahoning county,

On motion of Mr. Taylor of Mahoning, the constitutional rule was suspended, and the bill was read the second and third times,

The question then being, shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 22, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Canfield, Cattell, Converse, Griswold, Hardy, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—22.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Griswold, select committee of one, reported back

H. B. No. 150, and recommended its passage,

And the question being shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 21, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Canfield, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning and Warfel—21.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as follows :

An act to authorize incorporated villages to take the enumeration of their inhabitants for the purpose of becoming cities of the second class.

Mr. Canfield, select committee of one, to whom was referred

S. B. No. 66, reported the same back, and recommended the adoption of the amendment proposed by the Judiciary committee, and that the bill be passed.

The amendment was adopted,

And the bill ordered to be engrossed, and read the third time to-morrow.

Mr. Buckland, select committee of one, reported back

S. B. No. 2; To attach a part of Ballville township, in Sandusky county, to the township of Sandusky, in said county,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 21, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Canfield, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning and Warfel—21.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, select committee to whom was referred the petition of Michael Tipple and 54 others, reported by bill as follows, which was read the first time :

S. B. No. 161 ; To authorize the sale of Section 16, in township No. 4, south of range No. 4 east, in the late Defiance land district.

On motion of Mr. Phelps, the constitutional rule was suspended, and the bill read the second and third times.

And the question being, shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 22, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Canfield, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—22.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Taylor of Mahoning, from the committee on Universities, Colleges and Academies, to whom was referred

H. J. R.; Relative to a loan made by the Ohio University from the State of Ohio,

Reported the same back, with the recommendation that it be adopted, with one amendment, viz: Add to the resolution these words, "until further action of the Legislature,"

And the question being on agreeing to the amendment,

It was adopted.

The question then being on the resolution as amended,

The yeas and nays were ordered, and resulted—yeas 21, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Canfield, Cattell, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—21.

Mr. Converse voted in the negative.

So the resolution, as amended, was adopted as follows :

Resolved, by the General Assembly of the State of Ohio, That the payment of the balance due on the loan of \$5000, made from the Sinking Fund to the Ohio University in September, 1837, and the accumulation of interest thereon, is hereby suspended as long as said University shall continue in force its present regulation, admitting one student from each county in the State, free of charge for tuition, until the further action of the Legislature.

Mr. Canfield, from the committee on Schools and School Lands, reported back

S. B. No. 91, with sundry amendments, and with the recommendation that the amendments be adopted, and the bill passed.

The question being on agreeing to the amendment,

They were adopted,

And the bill ordered to be engrossed, and read the third time to-morrow.

S. B's Nos. 157 and 158, were severally read the second time,

And the constitutional rule having been suspended, they were ordered to be engrossed at the clerk's desk, and read the third time to-day.

S. B. No. 136 ; To provide for the payment of the public debt of the State, due Jan. 1, 1857, and for the payment of the interest on the public debt,

Was read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 19, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Spencer, Taylor of Mahoning and Willford—19.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 153 : Supplementary to an act regulating railroad companies passed Feb. 11, 1848, and repealing the eighth section thereof,

Was read the third time,

The question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 20, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Spencer, Taylor of Mahoning, Warfel and Willford—20.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

S. B. No. 157 ; An act supplementary and amendatory to the act entitled an act regulating sales at auction, passed March 16, 1840,

Was read the third time,

And the question being, shall the bill pass ? the yeas and nays were ordered, and resulted—yeas 21, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—21.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 158, was read the third time, and recommitted to Messrs. Converse, Holmes and Matthews, as a select committee of three.

S. B. No. 104, was ordered to lie upon the table.

Message from the House of Representatives.

Mr. President:

The House has acceded to the request of the Senate on
S. B. No. 41; Prescribing the duties of Commissioners of the Sinking Fund in certain cases,

And have appointed Messrs. Allen, Brayton and Langdon as a committee of conference on the part of the House.

Attest:

J. S. Robinson, Clerk.

The President appointed Messrs. Brazee and Holmes members of said committee on the part of the Senate.

The President laid before the Senate a communication from the State House Commissioners relative to certain inquiries made by Senate resolution.

The communication was laid on the table and ordered to be printed.

Also, a communication from the Board of Public Works in answer to Senate resolution making certain inquiries;

Which was referred to the committee on Public Works.

Message from the House of Representatives.

Mr. President:

The House has acceded to the request of the Senate, and have appointed Messrs. Parsons, Gatch and Chaney as a committee of conference on the part of the House on matters of difference between the two Houses on

S. B. No. 42; Prescribing the duties of the Auditor and Treasurer of State relative to the receipt, safe keeping, and disbursement of public moneys, and accounting therefor.

Attest:

J. S. Robinson, Clerk.

The President of the Senate then appointed Messrs. Kelley and Baird members of the committee of conference aforesaid, on the part of the Senate.

Message from the House of Representatives.

Mr. President:

The House has passed the enclosed joint resolution, "Relative to printing the appropriation bill," in which the concurrence of the Senate is requested.

Attest:

J. S. Robinson, Clerk.

The question being on agreeing to the foregoing resolution, it was adopted, as follows:

Resolved, by the General Assembly of the State of Ohio, That the appropriation bill be printed in advance of other printing.

Mr. Taylor of Mahoning, moved to reconsider the vote on the passage of

H. B. No. 12; Further to prescribe the duties of county commissioners,

And the question being on reconsideration,

It was agreed to.

On motion, the bill was then recommitted to Messrs. Taylor of Mahoning and Matthews, as a select committee of two.

Mr. Taylor of Mahoning, from said select committee, thereupon reported back said bill with amendments ;

Which were ordered to lie upon the table.

Mr. Converse moved a suspension of the rules to enable him to present the claim of Charlest Cist ;

Which was agreed to,

And thereupon Mr. Converse presented the claim of said Cist for expenses and per diem as one of the trustees of the two new lunatic asylums, amounting to three hundred and fifty-eight dollars and forty cents,

Which was referred to the committee on Benevolent Institutions.

Mr. Phelps, from the joint committee of conference, on matters of difference between the two Houses relative to Senate amendments to

H. B. No. 28, reported that the committee recommended that the amendments of the Senate be adopted.

The question being on agreeing to the report,

It was adopted.

Mr. Phelps, select committee, to whom was recommitted

H. B. No. 126, reported the same back, with the recommendation that the bill be passed.

The bill was then read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 21, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Buckland, Canfield, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawrence, Lewis, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, and Warfel—21.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as follows :

An act to confirm the sales made by the trustees of the civil townships of Section 15, and other lands donated by Congress in lieu thereof, to purchasers.

Mr. Converse, from the select committee to whom was referred

S. B. No. 77, with pending House amendments, reported the same back, with the recommendation that the Senate agree to the first and fifth, and disagree to the second, third and fourth amendments of the House to said bill.

And the question being on agreeing to the report of the committee,

It was adopted.

On motion of Mr. Canfield, the Senate resolved itself into committee of the whole, on S. B. No. 150—Mr. Hawley in the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration said bill, and had made progress therein, and asked leave to sit again,

Which was granted.

The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Griswold, the Senate resolved itself into committee of the whole, on the orders of the day—Mr. Hawley in the chair,

After some time spent therein, the committee rose, and the chairman reported back H. B. No. 162, with one amendment,

Which was agreed to by the Senate.

Also, S. B. No. 148, with sundry amendments,

Which were severally adopted by the Senate, and the bill recommitted to the committee on Public Buildings.

Also, S. B. No. 150, with sundry amendments,

Which were severally agreed to by the Senate, and the bill ordered to be engrossed, and read the third time to-morrow.

Also, S. B. No. 143, without amendment,

Which was referred to Mr. Phelps, as a select committee of one.

Mr. Lawder, on leave, introduced the following bill, which was read the first time :

S. B. No. 162 ; To authorize and empower the judges of the second sub-division of the second district of the State of Ohio to hold court in the city of Piqua, in the county of Miami, in certain civil cases by consent of the parties.

On motion of Mr. Lawder, the constitutional rule was suspended, and the bill read the second time, and referred to the Judiciary committee.

Mr. Kelley moved to reconsider the vote on House amendments to Senate bill No. 77,

And the question being on reconsideration,

It was disagreed to.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

TUESDAY, APRIL 1, 1856.

Prayer by the Rev. Mr. Warner.

On motion, the following resolution was adopted :

Resolved, That Wm. Lawrence act as President pro tem. of the Senate during the present absence of the President, or until otherwise ordered by the Senate.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Canfield, Converse, Griswold, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lunt, Musgrave, Taylor & Mahoning, Warfel and Willford—20.

Mr. Lawrence appeared in the Speaker's stand, and took the oath of office, and the oath to support the constitution of Ohio, and of the United States.

Mr. Brazee presented the petition of John Kogy and 13 other tax payers of Fairfield county, for reforms in the school law, and economy in all the departments of the State government.

Also, of Thomas McNaughten and 50 other tax payers of Fairfield county, praying for a reduction of taxes and restoration of the republican simplicity of early times.

On motion, they were referred to the committee of the whole.

Mr. Griswold, from the Judiciary committee, reported back

S. B. No. 97 ; In addition to the act of February 19, 1810, entitled "An act for the prevention of frauds and perjuries,"

Which was postponed until the first Monday of January next.

Also, from the same committee

S. B. No. 162 ; To authorize and empower the judge of the second sub-division of the second district of the State of Ohio, to hold court in the city of Piqua, in the county of Miami, in certain civil cases, by consent of the parties.

On motion, the same was postponed until the first Monday of January next.

Also, from the same committee, the petition of Wm. P. Richardson and others, asking that county commissioners may have power conferred upon them by law, to compromise fines against persons convicted of offences against the laws prohibiting the traffic in intoxicating liquors, and recommend that the further consideration of said petition be postponed until the first Monday in January next,

Which was agreed to.

H. B. No. 72 ; Supplementary to the act entitled an act to preserve the purity of elections, passed May 20, 1840,

Was read the third time,

And the question being on the passage of the bill,

The yeas and nays were ordered and resulted—yeas 23, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Canfield, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lunt, Musgrave, Spencer, Taylor of Mahoning, and Warfel—23.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 91 ; An act relating to common schools,

Was read the third time,

And the question being on the passage of the bill.

The yeas and nays were ordered and resulted—yeas 24, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Canfield, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lunt, Musgrave, Phelps, Spencer, Taylor of Mahoning, and Warfel—24.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 141 ; For the punishment of certain offences therein named,

Was read the third time,

And the question being on the passage of the bill,

The yeas and nays were ordered, and resulted—yeas 20, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Buckland, Canfield, Cattell, Converse, Griswold, Hardy, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lunt, Musgrave, Phelps, Spencer, and Taylor of Mahoning—20.

Those who voted in the negative were—

Messrs. Brown, Hawley, Hyer, and Warfel—4.

The bill having received a constitutional majority, was passed.

The title was ordered to be as aforesaid.

S. B. No. 139 ; To incorporate the Bank of Ohio and other banks,

Was read a third time by its title, the constitutional rule being suspended.

On motion of Mr. Brazee, the bill was laid on the table.

S. B. No. 150 ; To enable receivers of Mutual Fire Insurance Companies more effectually to collect the debts due to such companies,

For want of a constitutional majority the bill was not passed, the vote being—yeas 17, nays 7.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Buckland, Canfield, Cattell, Griswold, Hardy, Hawley, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Spencer, and Taylor of Mahoning—17.

Those who voted in the negative were—

Messrs. Beatty, Brazee, Brown, Converse, Holmes, Phelps, and Warfel—7.

Mr. Baird moved to reconsider, and lay the motion on the table, which was carried.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill without amendment :

S. B. No. 135 ; To fix the times for holding the terms of the court of common pleas in the county of Cuyahoga.

The House has agreed to Senate amendment to House resolution relative to a loan made by the Ohio University from the State of Ohio.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed the following Senate bills, without amendment :

S. B. No. 134 ; To amend the act entitled an act to provide for the organization of cities and incorporated villages, and the act amendatory thereto, passed March 11, 1853.

S. B. No. 137 ; Defining the jurisdiction of the justices of the peace and other officers of the city of Cleveland, and detaching a portion of said city from Brooklyn township.

The House has passed the following House bills in which the concurrence of the Senate is requested :

H. B. No. 75 ; To provide for the establishment of the Ohio Reform School.

H. B. No. 168 ; To authorize seminaries of learning to change their names and become colleges.

Attest :

J. S. ROBINSON, Clerk.

The above named House bills were then read the first time.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 78 ; To amend the act to regulate the fees of officers in civil and criminal cases, without amendment.

The House has also passed H. B. No. 143 ; Further to preserve the purity of elections held within this State, in which the concurrence of the Senate is requested.

Attest :

J. S. ROBINSON, Clerk.

The above named House bill No. 143, was then read the first time.

The President then laid before the Senate the minority report of the Board of Public Works on the expenses on section 6 of the Public Works of the State,

Which was, on motion, referred to the committee on Public Works.

S. B. No. 104 ; Explanatory of the act to amend the act for the incorporation of the Columbus, Piqua and Indiana Railroad Company, passed March 12, 1851,

Was taken from the table,

And the question being on the passage of the bill,

The yeas and nays were called and resulted—yeas 19, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Cattell, Converse, Griswold, Hawley, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Musgrave, Spencer and Taylor of Mahoning—19.

Those who voted in the negative were—

Messrs. Kelley, Hamilton, Phelps and Warfel—4.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 12 ; To regulate insurance companies not incorporated by the State of Ohio, with Senate amendments was taken from the table,

And the question being upon the amendments reported by the special committee, they were agreed to.

The question then being on the passage of the bill,

The yeas and nays were called and resulted—yeas 23, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Cattell, Converse, Griswold, Hardy, Hawley, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Musgrave, Phelps, Spencer, Taylor of Mahoning and Warfel—23.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Buckland, on leave, introduced the following

**S. B. No. 163 ; Providing for compromising and adjusting claims due the State,
Which was read the first time.**

Also, S. B. No. 164 ; Relative to the stock in the Cleveland and Toledo Railroad Company, owned by the northern range of townships in Huron county,

Which was read the first time.

The report of the committee of conference on

H. B. No. 1, was submitted by Mr. Baird, from said committee, and, on motion, was laid on the table.

Mr. Phelps, the committee of one, reported back

S. B. No. 143 ; To protect the investment of municipal corporations in the stock of railroad companies, with amendments,

Which were adopted,

And the question being on the engrossment of the bill,

Mr. Brazee moved its indefinite postponement.

Pending which, the Senate took a recess.

THREE O'CLOCK, P. M.

The question being upon the indefinite postponement of S. B. No. 143,

The yeas and nays were called, and resulted—yeas 1, nays 24.

Mr. Brazee voted in the affirmative.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—24.

The motion to indefinitely postpone was lost.

On motion, the bill was then ordered to be engrossed at the clerk's desk, and read a third time,

And the question being upon the passage of the bill,

The yeas and nays were called, and resulted—yeas 23, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Cattell, Converse, Griswold, Hardy,

Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Lunt, Phelps Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—23.

Mr. Brazee voted in the negative.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

The Senate then went into committee of the whole, Mr. Phelps in the chair, on

H. B. No. 71 ; Further to amend and supplementary to an act entitled an act securing the benefits of the writ of habeas corpus.

After some time spent therein, the committee rose, and the chairman reported back said bill without amendment.

The bill was then read the third time,

And the question being on the passage of the bill,

The yeas and nays were called, and resulted—yeas 21, nays 5.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Canfield, Cattell, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Taylor of Geauga, Taylor of Mahoning and Warfel—21.

Those who voted in the negative, were—

Messrs. Brazee, Converse, Holmes, Lawrence and Phelps—5.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Brazee.

S. B. No. 139 ; To incorporate the Bank of Ohio and other banks, was taken from the table,

The question then being on the passage of the bill,

The yeas and nays were called, and resulted—yeas 16, nays 11.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Cattell, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Marsh, Spencer, Taylor of Geauga, and Warfel—17.

Those who voted in the negative were—

Messrs. Beatty, Buckland, Canfield, Converse, Holmes, Lawrence, Lewis, Lunt, Musgrave, Phelps and Taylor of Mahoning—11.

So the bill, not having received a constitutional majority, was lost on its passage.

Mr. Brazee moved to reconsider the vote,

Which was agreed to,

And the bill was recommitted to the committee on the Currency.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has, in the presence of the same, signed the following enrolled bill :

S. B. No. 64 ; Further to amend an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, and the several acts supplementary and amendatory thereto.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate then signed the above enrolled bill in presence of the Senate.

On motion of Mr. Lewis, the Senate reconsidered the vote ordering

S. B. No. 66 ; To amend and supplementary to an act entitled an act to prevent the adulteration of alcoholic liquors, passed May 1, 1854, to be engrossed,

And the question being upon agreeing to the amendments proposed to said bill, by the committee on Temperance,

They were agreed to,

And the bill ordered to be engrossed, and read the third time to-morrow.

The joint standing committee on Enrollment, reported that they have examined, and found correctly enrolled, the following bills and joint resolutions, viz :

H. B. No. 140 ; An act supplementary to an act entitled an act to provide for the division of townships into election precincts.

H. B. No. 157 ; To authorize the sale of Section 16, of original surveyed township number 8, range 12, in the county of Morgan.

H. B. No. 117 ; To authorize the commissioners of Washington county to borrow money to pay the interest of July 1856, on certain bonds issued by said county.

H. B. No. 77 ; Further defining the duties of coroners.

H. B. No. 141 ; Supplementary to an act entitled an act defining the jurisdiction and regulation the practice of probate courts.

H. B. No. 79 ; Supplementary to an act to provide for the creation and regulation of incorporated companies, in the State of Ohio, passed May 1, 1852.

H. J. R. Relative to a loan made by the Ohio University from the State of Ohio.

H. J. R. Relative to printing the appropriation bill.

S. B. No. 64 ; Further to amend an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, and the several acts supplementary and amendatory thereof.

DANIEL McFARLAND,
EPHRIAM CLARK,
House Committee.
C. G. HAWLEY,
Senate Committee.

Wednesday, April 2, 1856.

On motion the Senate resolved itself into committee of the whole on

S. B. No. 152 ; To prevent frauds upon the elective franchise, Mr. Canfield in the chair,

After some time spent therein, the committee rose, and the chairman reported back the same with one amendment,

Which was agreed to.

Mr. Holmes moved to indefinitely postpone the bill,

Upon which question the yeas and nays were demanded, and resulted—yeas 6, nays 19.

Those who voted in the affirmative were—

Messrs. Converse, Hawley, Holmes, Lawrence, Musgrave and Phelps—6.

Those who voted in the negative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Cattell, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—19.

So the motion to indefinitely postpone was lost.

On motion of Mr. Baird, the bill was referred to the standing committee on the Judiciary.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, APRIL 2, 1856.

Prayer by the Rev. Mr. Lunt.

Mr. Marsh presented the memorial of George D. Hendricks, administrator of the estate of A. Granger, deceased, praying certain legislation to enable him to properly distribute the assets of said estate,

Which was referred to committee on Federal Relations.

Mr. Kelley presented the claim of the Board of Agriculture for \$2,813 51, due said Board,

Which was referred to the committee on Agriculture.

Mr. Brazee, from the committee on Currency, to whom was recommitted

S. B. 139 ; To incorporate the Bank of Ohio, and other Banks, reported the same back with three amendments, as follows :

1st. In section 5, line 3, strike out the word "two," and insert the word "one."

2d. In section 5, line 6, strike out "one hundred," and insert the word "fifty."

3d. In section 5, strike out all after the fourteenth line, and insert as follows :

“ Of the capital subscribed as frequently as once in every four successive months from the time of commencing business, until the whole amount of such capital shall be paid up: Provided that the Directors of the Bank of Ohio may extend the time for the payment of such deferred installments, or any part of them, to the Branch Bank, when satisfied that the public interest does not require them to be paid as frequently as above provided for; and the Governor may grant to the Independent Banks the like extension for the same cause.”

And the question being on agreeing to the amendments,

A division of the question being demanded, it turned on the adoption of the first amendment, upon which question the yeas and nays were demanded, ordered, and were yeas 24, nays 5.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lunt, Lewis, Marsh, Musgrave, Taylor of Geauga, and Warfel—24.

Those who voted in the negative, were—

Messrs. Converse, Holmes, Phelps, Spencer, and Taylor of Mahoning—5.

So the amendment was concurred in.

The question then being on adopting the second and third amendments, the yeas and nays were demanded, ordered, and resulted—yeas 23, nays 5.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, and Taylor of Mahoning—23.

Those who voted in the negative were—

Messrs. Converse, Holmes, Phelps, Spencer, and Warfel—5.

So the amendments were concurred in.

The question then being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 22, nays 7.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Taylor of Geauga, and Warfel—22.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence, Musgrave, Phelps, Taylor of Mahoning, and Willford—7.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Musgrave, from the committee on Claims, reported back H. B. No. 135, and recommended its passage, without amendment.

Mr. Griswold, from the Judiciary committee, to whom was referred the memorial of D. P. Egbert, Sheriff of Warren county, asking the allowance of certain fees

claimed by him for removing convicts to the Penitentiary, reported adversely to said claim.

(See Appendix.)

And asked to be discharged from the further consideration of the subject,

And the question being on the adoption of the report of the committee, it was agreed to.

Mr. Buckland, from the Finance committee, reported back H. B. No. 18, without amendment, and with the recommendation that the bill be passed.

Mr. Brazee, from the committee of Conference on matters of disagreement on S. B. No. 41, submitted the following report :

The committee of Conference on the subject of the disagreement of the House to Senate amendment to House amendment to Fund Commissioners bill, being Senate bill No. 41, have agreed and recommended that the House agree to Senate amendment.

J. T. BRAZEE,
GEO. W. HOLMES.

Mr. Holmes, from the select committee, to whom was recommitted S. B. No. 158, reported the same back with one amendment, which was adopted, and the bill ordered to be engrossed and read the third time to-morrow.

Mr. Lewis, from the select committee, to whom was recommitted S. B. No. 124, reported the same back with one amendment,

And the question being on agreeing to the amendment, it was disagreed to.

And the question then being on the passage of the bill,

On motion of Mr. Baird, the bill was postponed until the first Monday in January next.

Mr. Musgrave, from the committee on Claims, to whom was committed

H. B. No. 42; To provide for the payment of the claim of David C. Doan, reported the same back without amendment.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 12, nays 17.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Buckland, Burnett, Canfield, Griswold, Kirk, Lunt, Marsh, Musgrave, Phelps, and Warfel—12.

Those who voted in the negative were—

Messrs. Baird, Brazee, Brown, Cattell, Converse, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Spencer, Taylor of Mahoning, and Willford—17.

So the bill not having received a constitutional majority was lost on its passage.

Mr. Kelley moved a reconsideration of the vote on the passage of the bill,

Which was agreed to.

And the question recurring on the passage of the bill,

Mr. Kelley moved that the bill be recommitted to the committee on Claims,

with instructions to report the same allowance as would be the rule of damages in a similar case between individuals,

Which motion was agreed to.

Mr. Taylor of Mahoning, to whom, as a select committee of one, was recommit-
ted S. B. No. 48, reported the same back with the recommendation that the bill
be postponed to the first Monday in January next,

And the question being on agreeing to the report, it was adopted.

H. B. No. 75 was read the second time, and referred to the committee on Benev-
olent Institutions.

H. B. No. 143 was read the second time, and referred to Mr. Brand as a select
committee of one.

S. B. No. 159 was read the second time, and referred to Mr. Brazee as a select
committee of one.

H. B. No. 168 and S. B. No. 147 were severally read the second time, and
referred to the committee of the whole Senate.

H. B. No. 18 ; An act to amend section 2 of an act entitled "an act to amend
the several acts now in force in relation to the sale of lands forfeited to the State
for the non-payment of taxes," passed March 12, 1845,

Was read the third time,

And the question being on the passage of the bill, the yeas and nays were
ordered, and resulted—yeas 29, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield,
Cattell, Converse, Griswold, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Law-
der, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Ge-
auga, Taylor of Mahoning, Warfel, and Willford—29.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 135 ; To amend an act entitled "an act to provide for the sale of the
Western Reserve School Lands," passed February 17, 1849, was read the third
time,

And the question being, shall the bill pass ?

The yeas and nays were ordered and resulted, yeas 24, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Burnett, Canfield, Cattell,
Converse, Griswold, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis,
Lunt, Marsh, Musgrave, Phelps, Warfel and Willford—24.

Those who voted in the negative were—

Messrs. Brown, Hardy, Lawrence, Spencer, Taylor of Geauga, and Taylor of
Mahoning—6.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 66 ; To amend and supplementary to an act entitled "an act to pre-
vent the adulteration of alcoholic liquors, passed May 1, 1854, was read the third
time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 24, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Canfield, Cattell, Griswold, Hawley, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—24.

Those who voted in the negative, were—

Messrs. Burnett, Converse, Holmes, and Spencer—4.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House of Representatives has passed the following bill without amendment:

S. B. No. 106; Supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

Attest:

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 152; "To amend the act entitled an act for opening and regulating roads and highways," passed January 27, 1853.

Attest:

J. S. ROBINSON, Clerk.

On motion of Mr. Phelps, the Constitution rule was suspended, and the foregoing H. B. No. 152 was read the first and second time.

On motion of Mr. Kelley, the bill was then referred to the committee on Roads and Highways.

Mr. Baird moved to take from the table the report of the committee of Conference on H. B. No. 1,

Which was agreed to,

And the question being on the adoption of the report, the yeas and nays were ordered and resulted—yeas 22, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Burnett, Canfield, Cattell, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Phelps, Spencer, Taylor of Mahoning, and Willford—22.

Those who voted in the negative, were—

Messrs. Brown, Buckland, Lawrence, Musgrave, Taylor of Geauga, and Warfel—6.

So the report was agreed to.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills, in which the concurrence of the Senate is requested :

H. B. No. 100 ; Supplementary to an act entitled an act for the inspection of certain articles therein enumerated, passed March 9, 1851.

S. B. No. 84 ; To provide for the registration of births, deaths, and marriages in Ohio, without amendment.

S. B. No. 123 (with amendments herewith enclosed) ; In addition to the several acts in relation to the courts of justice and their powers and duties.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House bill No. 100 was read the first time.

On motion of Mr. Phelps, the foregoing S. B. No. 123, with pending House amendments, was referred to the committee on the Judiciary.

Mr. Kelley, from the Finance committee, offered for adoption the following resolution :

Resolved, by the Senate and House of Representatives, That the Auditor of State be, and he is hereby directed to collect, as fast as the demands on the treasury may require, the several sums set apart as taxes, or in lieu of taxes, and placed to his credit by the several banks chartered by, or claiming their powers and privileges under the act "to incorporate the State Bank of Ohio and other Banking Companies," and that he be, and hereby is authorized to settle with and adjust the balances due to or from the State, or to or from such of those Banks as have paid taxes under protest, or from which, taxes different from the taxes imposed by their charters, or which have not paid the full amount of taxes due from them under their respective charters, and to pay, or to collect, such balances as the case may demand.

And the question being on the adoption of the resolution,

The Senate took a recess,

THREE O'CLOCK P. M.

The question being on the adoption of the resolution reported by the Finance committee,

Mr. Phelps moved to amend by adding the following :

" And be it further resolved, That the Auditor of State be, and he is hereby directed to refund to all tax payers the excess of taxes paid by them, in consequence of not having had deductions of debts from credits, under any former law."

And the question being on agreeing to the amendment,

Mr. Kelley called for a division of the question, and it turned on the adoption of the resolution.

Mr. Kelley moved to recommit the resolution to the committee of Finance,

And the question being on recommitment, it was agreed to.

Mr. Griswold moved to take from the table S. B. No. 85,

Which was agreed to.

And the question being on the adoption of the amendments proposed in committee of the whole, the first amendment was agreed to.

The question then being on agreeing to the second amendment, viz : Add to section 2, as amended, as follows :

Provided, That nothing herein contained shall be construed to interfere with the religious tenets, or principles, and rules of government of any church or religious organization.

The yeas and nays were demanded, ordered and resulted—yeas 6, nays 23.

Those who voted in the affirmative, were—

Messrs. Converse, Hawley, Holmes, Lawrence, Phelps, and Willford—6.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Griswold, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Spencer, Taylor of Geauga, and Warfel—23.

So the amendment was disagreed to.

On motion of Griswold, the bill was then engrossed at the Clerk's desk, and read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 25, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Spencer, Taylor of Geauga, and Warfel—25.

Those who voted in the negative, were—

Messrs. Converse, Holmes, Lawrence, Matthews, Phelps, and Willford—6.

So the bill, having received a constitutional majority, was passed.

Ordered that the title be as follows :

“ An act in relation to conveyances and devises of property, for religious purposes.”

Mr. Baird on leave, introduced the following bill, which was read the first time :

S. R. No. 165 ; Authorizing the Commissioners of Clermont county to sell or exchange the Infirmary farm of said county.

On motion of Mr. Baird, the constitutional rule was suspended, and the bill was read the second and third times.

And the question being, shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Cattell, Converse, Griswold, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, and Warfel—28.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Brazee, select committee, reported back S. B. No. 159 without recommendation.

The bill was ordered to lie upon the table.

Mr. Kelley, from the Finance committee, reported back Senate resolution relative to the Auditor of State collecting certain taxes of the State Bank and Branches, with a substitute, and recommended the adoption of the same,

And the question being on agreeing to the substitute, it was adopted.

And the question being on agreeing to the resolution, as amended, it was adopted as follows :

Resolved, by the Senate and House of Representatives, That the Auditor of State be, and he is hereby directed to collect, as fast as the demands on the treasury may require, the several sums set apart as taxes, or in lieu of taxes, and placed to his credit by the several banks chartered by, or claiming their powers and privileges under the act "to incorporate the State Bank of Ohio and other Banking Companies," and that he be and hereby is authorized to settle with and adjust the balances due to the State from such of said banks as may not have paid the full amount of taxes, which, by the above recited act or any other act levying a tax on said banks, and which act such banks may have accepted they were liable to pay or to set apart in lieu of taxes, and to collect the sums or balances found due from such banks.

Mr. Baird, from a joint committee of Conference, submitted the following report :

The committee of Conference, appointed to adjust the matter of difference between the two Houses in reference to Senate joint resolution relative to asking Congress to make appropriations and take speedy steps towards the improvement of the Ohio river at the falls, have had the same under consideration and report the same back with the recommendation that the Senate recede from its amendment to the said resolution as it passed the House.

CHAMBERS BAIRD,
GEO. W. HOLMES,
Com. of Senate.
JOS. E. EGLY,
W. M. CORRY,
S. E. BLAKESLEE,
Com. of House.

So the question being on agreeing to the resolutions as passed by the House, they were adopted as follows :

Resolved, by the General Assembly of the State of Ohio, That the Congress of the United States is hereby requested to take speedy and efficient steps toward the improvement of the navigation of the Ohio by removing obstructions at the falls with such exclusive government work as shall be found necessary, either a new canal or an enlargement of the old, or a wall and locks in the channel of the river.

Resolved, That our Representatives be requested to submit these resolutions, and to urge their passage upon Congress.

Mr. Heaton moved to take from the table

S. B. No. 105; To provide for the construction of new buildings for the Institution of the Deaf and Dumb at Columbus,

Which was agreed to.

And the question being on the passage of the bill,

The Senate took a recess until half-past seven this evening.

HALF PAST SEVEN P. M.

Mr. Marsh moved a call of the Senate, and a quorum found present.

On motion of Mr. Converse, Mr. Matthews was excused for the rest of the session.

The question being on the passage of S. B. No. 105,

On motion of Mr. Heaton, the bill was recommitted to Mr. Brown as a select committee of one.

Thereupon, Mr. Brown reported back said bill with sundry amendments.

And the question being on agreeing to the amendments, they were severally adopted as follows :

1st amendment. In sec. 1, line 2, strike out the words "of the Benevolent Institutions of the State of Ohio," and insert "hereafter authorized to be appointed."

2d amendment. Add as sec. 5 the following :

Sec. 5. The Governor of Ohio shall appoint, by the consent and advice of the Senate, three Trustees, who shall be denominated Trustees for the erection of a Deaf and Dumb Asylum in the City of Columbus, and who shall hold their offices for two years, and until their successors are elected and qualified. Said Trustees shall have all the powers and perform all the duties prescribed by this act and receive such compensation as the legislature may deem just.

The question recurring on the passage of the bill,

Mr. Taylor, of Mahoning moved to postpone the bill till the first Monday of January next,

And the question being on the postponement of the bill,

Mr. Taylor of Mahoning, withdrew the motion.

The question again recurring on the passage of the bill,

Mr. Taylor of Mahoning, moved to recommit the bill to the committee on Benevolent Institutions with instructions—

First. To procure a plan and estimate for a new and suitable building for the accommodation of 300 pupils, to be submitted to the General Assembly at the commencement of the adjourned session.

Second. To provide for building, or buildings, proper for workshops, and ultimately to be used as such, to be used temporarily for the accommodation of the pupils.

And the question being on the reference with instructions,

A division of the question being demanded, it turned on the reference to the committee,

Which was agreed to.

Thursday, April 3, 1856.

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The question then being on the instructions, the yeas and nays were demanded, ordered and resulted—yeas 13, nays 15.

Those who voted in the affirmative were—

Messrs. Buckland, Burnett, Converse, Hardy, Hawley, Holmes, Kelley, Kirk, Lawrence, Musgrave, Phelps, Taylor of Mahoning, and Warfel—13.

Those who voted in the negative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Canfield, Cattell, Gardner, Griswold, Hamilton, Heaton, Lawder, Marsh, Taylor of Geauga, and Willford—15.

So the instructions were not agreed to.

The President then laid before the Senate a communication from the Board of Public Works in answer to Senate resolution requiring certain detailed statements relative to keeping the Public Works in repair.

Which was referred to the committee on Public Works.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

THURSDAY, APRIL 3, 1856.

Prayer by the Rev. Mr. Warner.

Mr Griswold, from the Judiciary committee, reported back S. B. No. 152; To prevent Frauds on the Elective Franchise, without recommendation.

And the question being on the engrossment of the bill,

Mr. Hawley moved that it be postponed until the first Monday of January next.

And the question being on postponing to the first Monday of January next,

Mr. Taylor, of Mahoning, moved to lay the bill on the table.

Upon which motion the yeas and nays were demanded, ordered, and resulted—yeas 5, nays 26.

Those who voted in the affirmative, were—

Messrs. Baird, Canfield, Gardner, Taylor of Mahoning and Willford—5.

Those who voted in the negative, were—

Messrs. Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Cattell, Converse, Griswold, Hamilton, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps and Warfel—2

So the Senate refused to lay the bill on the table.

The question then being on postponing to the first Monday of January next,

The yeas and nays were demanded, ordered, and resulted—yeas 7, nays 24.

Those who voted in the affirmative, were—

Messrs. Baird, Bundy, Canfield, Gardner, Hawley, Kirk and Willford—7.

Thursday, April 3, 1856.

Those who voted in the negative, were—

Messrs. Beatty, Brand, Brazee, Brown, Buckland, Burnett, Cattell, Converse, Griswold, Hamilton, Heaton, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Mahoning and Warfel—24.

So the Senate refused to postpone to the first Monday of January next.

Mr. Holmes moved to indefinitely postpone the bill.

Upon which question the yeas and nays were demanded, ordered, and resulted—yeas 15, nays 16.

Those who voted in the affirmative, were—

Messrs. Baird, Canfield, Cattell, Converse, Gardner, Hawley, Holmes, Kirk, Lawrence, Lewis, Matthews, Musgrave, Phelps, Taylor of Mahoning and Willford—15.

Those who voted in the negative, were—

Messrs. Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Griswold, Hamilton, Heaton, Hyer, Kelley, Lawder, Lunt, Marsh and Warfel—16.

So the Senate refused to indefinitely postpone the bill.

The question again recurring on the engrossment of the bill,

On motion of Mr. Brand, the bill was temporarily laid on the table.

Mr. Canfield, from the committee on Public Buildings, reported back S. B. No. 148, with sundry amendments,

Which were adopted, and the bill ordered to be engrossed and read the third time to-day.

Mr. Musgrave, from the committee on Claims, reported back H. B. No. 42, with one amendment,

Which was agreed to, and

On motion of Mr. Buckland, the bill was laid on the table.

H. B. No. 100 was read the second time, and referred to the Judiciary committee.

S. B. No. 158 ; An act to authorize the county commissioners of Hamilton county to sell certain real estate in said county, was read the third time.

And the question being on the passage of the bill,

The yeas and nays were ordered, and resulted—yeas 29, nays 1.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—29.

Mr. Brown voted in the negative.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

On motion, S. B. No. 159, was taken from the table and referred to Mr. Holmes as a select committee of one.

Message from the House of Representatives.

Mr. President :

The House recedes from its amendment to Senate bill No. 36, to amend an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the several acts amendatory thereof and supplementary to said acts.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House refuse to adopt the report of the joint committee of conference on Senate bill No. 41, prescribing the duties of the commissioners of the sinking fund in certain cases.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Kelley, the Senate insisted on its amendments, and asked a second committee of conference.

Message from the House of Representatives.

Mr. President :

The House has passed H. B. No. 151, to repeal an act entitled an act to abolish the criminal court in the county of Hamilton, and to transfer the unfinished business of said court to the court of common pleas in the first district, passed May 1, 1854, and to revive an act entitled "an act to create a court of criminal jurisdiction in Hamilton county," passed March 12, 1852, in which the concurrence of the Senate is requested.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolution relative to renting a room for holding the Supreme Court.

The House has agreed to Senate amendments to House bill No. 59, supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, with the exception of the 4th amendment, which they amend as herewith enclosed, in which the concurrence of the Senate is requested.

Attest :

J. S. ROBINSON, Clerk.

The foregoing joint resolution was then adopted.

The amendments to H. B. No. 59, were then concurred in.

Message from the House of Representatives.

Mr. President :

The House insists upon its amendments to Senate bill No. 77, "further to prescribe the duties of county commissioners," and ask for a committee of conference.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Converse, the Senate agreed to a committee of conference, and the President appointed Messrs. Converse and Hawley, members of said committee on the part of the Senate.

Thursday, April 3, 1856.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. ; Relative to printing extra copies of Attorney General's report in regard to sale of the hospital at Cincinnati.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Converse, the foregoing resolution was referred to the committee on Public Printing.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has, in the presence of the same, signed the following enrolled bills and joint resolutions :

H. B. No. 77 ; Further defining the duties of Coroners.

H. B. No. 157 ; To authorize the sale of section sixteen of original surveyed township number eight, range twelve, in the county of Morgan.

H. B. No. 141 ; Supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts.

H. B. No. 79 ; Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

H. B. No. 140 ; Supplementary to an act entitled an act to provide for the division of townships into election precincts.

H. B. No. 117 ; To authorize the commissioners of Washington county to borrow money to pay the interest of July 1856, on certain bonds issued by said county.

H. J. R. ; Relative to a loan made by the Ohio University from the State of Ohio.

H. J. R. ; Relative to printing the appropriation bill.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills and joint resolutions.

Message from the House of Representatives.

Mr. President :

The House has passed the following Senate bills, without amendment :

S. B. No. 160 ; To authorize the holding of a special term of the District court in Mahoning county, Ohio.

S. B. No. 161 ; To authorize the trustees of Civil township of Salem, Auglaize county, Ohio, to petition for the sale of section 16, town 4, range 4, east.

S. B. No. 156 ; Authorizing the Board of Public Works to take charge of the slack water from the head of the Trenton Feeder, to Urichsville, in Tuscarawas county.

S. B. No. 2 ; To attach a part of Ballville township, in Sandusky county, to the township of Sandusky, in said county.

The House has passed H. B. No. 176. to pay the claim of the Franklin Printing Company, in which the concurrence of the Senate is requested.

Attest :

J. S. ROBINSON, Clerk.

The foregoing H. B. No. 176 was then read the first time.

Message from the House of Representatives.

Mr. President :

The House has passed the following House bills, in which the concurrence of the Senate is requested :

H. B. No. 183 ; To provide for the enlargement of the Lewistown Reservoir.

H. B. No. 178 ; To authorize the commissioners of Van Wert county to borrow money.

H. B. No. 98 ; Supplementary to the act entitled an act to enable the trustees of Colleges, Academies, Universities and other institutions, for the purpose of promoting education, to become bodies corporate, passed April 9, 1852.

H. B. No. 160 ; To prevent fraudulent transactions in tares and weights, and other abuses herein enumerated.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House bills were then severally read the first time.

On motion of Mr. Phelps, the constitutional rule was suspended, and H. B. No. 183 was read the second time, and referred to the committee on Public Works.

Also, H. B. No. 178, was read the second time and referred to Mr. Phelps as a select committee of one.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills, in which the concurrence of the Senate is requested :

H. B. No. 170 ; For the relief of certain turnpike companies.

H. B. No. 156 ; Providing for the appointment of officers of the Ohio Penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working convicts.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House bills were then severally read the first time.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate amendments to House bill No. 58, to provide for the uniform government and better regulation of the Lunatic Asylums of the State, and the care of Idiots and the Insane.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills, in which the concurrence of the Senate is requested.

H. B. No. 181 ; To authorize banking companies to hold real estate.

H. B. No. 139; To provide for the regulation and management of the Institutions of the Blind and of the Deaf and Dumb.

H. B. No. 164; To amend the second section of an amendatory act, passed May 1, 1854, of an act for the relief of the poor, passed March 14, 1853.

H. B. No. 159; To amend the act entitled "an act to regulate the inspection of tobacco," passed February 8th, 1826.

H. B. No. 99; To amend the act entitled an act to authorize copies of entries and surveys in the Virginia Military District, to be made, passed March 19, 1850.

Attest:

J. S. ROBINSON, Clerk.

The foregoing House Bills were then severally read the first time.

Mr. Taylor of Mahoning, moved to take from the table S. B. No. 79,

Which was agreed to.

And the question being on agreeing to the amendments reported by the select committee, they were severally adopted.

The question being on the engrossment of the bill, the yeas and nays were demanded, ordered, and resulted—yeas 20; nays 11.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Bundy, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawrence, Lunt, Marsh, Matthews, Phelps, Taylor of Mahoning, and Willford—20.

Those who voted in negative were—

Messrs. Beatty, Brand, Brown, Burnet, Canfield, Cattell, Gardner, Lawder, Lewis, Musgrave, and Warfel—11.

So the bill was ordered to be engrossed.

Mr. Matthews moved that the bill be ordered to a third reading to-day.

Upon which motion the yeas and nays were demanded, ordered, and resulted—yeas 19; nays 12.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Bundy, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawrence, Marsh, Matthews, Phelps, Taylor of Mahoning, and Willford—19.

Those who voted in the negative were—

Messrs. Beatty, Brand, Brown, Burnett, Canfield, Cattell, Gardner, Lawder, Lewis, Lunt, Musgrave, and Taylor of Mahoning—12.

So the bill was ordered to be read the third time.

The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Phelps, a call of the Senate was had, and the following Senators ascertained to be absent, and not excused: Messrs. Beatty, Bundy, Gardner, Lawder, Lewis, Marsh, and Taylor of Mahoning.

On motion of Mr. Brazee, all further proceedings under the call were dispensed with.

Mr. Hawley, from the Joint Committee on Enrollment, submitted the following report :

The Joint Standing Committee on Enrollment report that they have examined and found correctly enrolled the following bills, viz :

H. B. No. 126 ; To confirm sales made by the trustees of the civil townships, of section sixteen and other lands granted by Congress in lieu thereof, to purchasers.

H. B. No. 150 ; To authorize incorporated villages to take the enumeration of their inhabitants for the purpose of becoming cities of the second class.

H. B. No. 28 ; Further prescribing the powers and duties of the courts of this State, and the judges thereof.

H. B. No. 133 ; Supplementary to an act entitled " an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

H. B. No. 72 ; Supplementary to the act entitled an act to preserve the purity of elections, passed May 20th, 1840.

H. B. No. 135 ; To amend an act entitled " an act to provide for the sale of the Western Reserve School Lands," passed February 17, 1849.

H. B. No. 71 ; Further to amend, and supplementary to an act entitled " an act securing the benefits of the writ of habeas corpus.

Mr. Baird moved to suspend the rules to enable him to make a report,

Which was agreed to.

Whereupon Mr. Baird, special committee of one, reported back the petition of Thos. W. Gordon, Chairman of State Medical Society, and asked that it be recommended to the committee on Benevolent Institutions,

Which was agreed to.

S. B. No. 79 ; Fixing the salaries of judges of the Supreme Court and Courts of Common Pleas,

Was read the third time, and the question being on the passage of the bill,

Mr. Brand moved to recommit to a select committee of one, with instructions to strike out in section 1, the word " five," in the 4th line, and insert the word " one," and strike out the word " twenty," in line five, and insert the word " eighteen."

And the question being on recommitting the bill,

The yeas and nays were demanded, ordered, and resulted—yeas 12 ; nays 19.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brown, Burnett, Canfield, Cattell, Gardner, Hardy, Hyer, Lunt, Warfel, and Willford—12.

Those who voted in the negative were—

Messrs. Baird, Brazee, Buckland, Bundy, Converse, Griswold, Hamilton, Hawley, Heaton, Holmes, Kelley, Kirk, Lawrence, Lewis, Matthews, Musgrave, Phelps, Spencer, and Taylor of Mahoning—19.

So the motion to recommit was disagreed to.

The question then recurring on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 18 ; nays 14.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Bundy, Converse, Griswold, Hamilton, Hawley, Heaton, Holmes, Kelley, Kirk, Lawrence, Marsh, Matthews, Phelps, Spencer, Taylor of Mahoning, and Willford—18.

Those who voted in the negative were—

Messrs. Beatty, Brand, Brown, Buckland, Burnett, Canfield, Cattell, Gardner, Hardy, Hyer, Lewis, Lunt, Musgrave, and Wartel—14.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Converse, the motion to reconsider the vote by which House Bill No. 83 was lost on its passage, was taken from the table.

And the question being on reconsideration, it was agreed to.

The question then being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 18 ; nays 14.

Those who voted in the affirmative were—

Messrs. Baird, Buckland, Bundy, Canfield, Cattell, Converse, Gardner, Hardy, Hawley, Holmes, Lawrence, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, and Willford—18.

Those who voted in the negative, were—

Messrs. Beatty, Brand, Brazee, Brown, Burnett, Griswold, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, and Taylor of Geauga—14.

So the bill having received a constitutional majority was passed.

The title was then ordered to be as follows : " An act to regulate the admission of attorneys at law in certain cases."

Mr. Canfield moved to take from the table the motion to reconsider the vote by which S. B. No. 150 ; "An act to enable receivers of Mutual Fire Insurance Companies more effectually to collect the debts due to such companies," was lost on its passage,

Which was agreed to, and the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 16 ; nays 11.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Buckland, Bundy, Canfield, Cattell, Gardner, Griswold, Hawley, Heaton, Kelley, Kirk, Lawrence, Musgrave, Spencer, and Taylor of Mahoning—16.

Those who voted in the negative, were—

Messrs. Brazee, Brown, Burnett, Hardy, Holmes, Lawder, Lewis, Lunt, Phelps, Taylor of Geauga, and Willford—11.

So the bill not having received a constitutional majority, was lost on its passage.

Mr. Canfield moved to reconsider the vote on the passage of the bill.

And the question being on reconsideration, it was agreed to, and the bill was re-committed to Mr. Canfield as a select committee of one.

S. B. No. 148 ; To provide for the prosecution of the work on the New State House, prescribing the order in which it shall be done, and making appropriations therefor,

Was read the third time.

And the question being on the passage of the bill,

Mr. Kelley moved to amend the bill by way of rider as follows :

In section 8, after the word "permanently," insert these words, "in a plain manner."

And the question being on agreeing to the amendment, it was adopted.

The question then being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 23 ; nays 5.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Musgrave, Spencer, Taylor of Geauga, and Taylor of Mahoning—23.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence, Phelps, and Willford—5.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

On motion, S. B. No. 152 was taken from the table, and referred to Mr. Brand as a select committee of one.

On motion of Mr. Converse, H. B. No. 121 was read the third time, and recommitted to Messrs. Holmes and Converse.

Mr. Brand, select committee, reported back S. B. No. 152 ; To prevent frauds upon the elective franchise, with sundry amendments.

And the question being on agreeing to the amendments, they were severally adopted.

The question then being on the engrossment of the bill,

On motion of Mr. Converse, the bill was laid on the table.

Mr. Converse moved to suspend the rules to enable a select committee to report,

Which was agreed to ; whereupon Mr. Converse, select committee, reported back S. B. No. 131 ; To authorize the repair of certain roads, with one amendment.

And the question being on agreeing to the amendment, it was adopted.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 31 ; nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Burnett, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—31.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

The President then laid before the Senate a communication from the Board of Public Works in answer to Senate resolution requiring certain information in relation to keeping the Public Works in repair.

The communication was referred to the committee on Public Works.

On motion of Mr. Taylor of Mahoning, it was

Resolved, That the commissioners of the Sinking Fund be and they are hereby directed to communicate to the Senate a statement showing the several loans or deposits of the Sinking Fund, from which interest was derived, or upon which interest was agreed to be paid, from the 1st of January, 1845, to the 1st of January, 1856 ; together with the amount of interest derived from each loan and deposit,

and whether the same has been accounted for, and if so, when and how was the same done.

On motion of Mr. Brown, it was

Resolved, That the committee on the Militia be requested to report a bill that shall provide for the recovery, storage, and safe keeping of the public arms, heretofore distributed to the various militia companies and commands in this State, and to pay any charges that may be thereon for storage, &c.

On motion of Mr. Phelps, it was

Resolved by the General Assembly of the State of Ohio, That the Board of Public Works are hereby directed to widen the artificial channel of the South Fork of Six mile creek, in Paulding county, Ohio.

On motion of Mr. Taylor of Geauga, the motion to reconsider the vote on the passage of S. B. No. 80, was taken from the table.

And the question being on reconsideration, it was agreed to.

The question then being, shall the bill pass?

On motion of Mr. Taylor of Geauga, the bill was postponed until the first Monday of January next.

The Senate then adjourned.

Attest

W. T. BASCOM, Clerk.

FRIDAY, APRIL 4, 1859.

Prayer by the Rev. Mr. Grover.

Mr. Bundy presented the remonstrance of Joseph Aten, Amos Nichols, Moses Hays and 16 others, of Jackson county, against any change in the school law, Which was committed to the committee of the whole Senate.

Mr. Holmes, from select committee, to whom was recommitted S. B. No. 159, reported the same back with two amendments,

Which were agreed to.

And the question being on the engrossment of the bill,

It was agreed to,

And the bill ordered to be read the third time to-morrow.

Mr. Heaton, from the committee on Public Benevolent Institutions, reported back S. B. No. 105, with sundry amendments,

And the question being on agreeing to the amendments,

They were adopted.

On motion, the bill was then recommitted to Messrs. Cattell, Kelley and Canfield, as a select committee of three.

Mr. Phelps, from the committee on Public Works, reported back H. B. No. 153, with recommendation that the bill be passed.

On motion of Mr. Brown, the bill was temporarily laid on the table.

Mr. Hamilton, from the committee on Public Printing, reported back H. J. R., relative to printing extra copies of the Attorney General's Report, adverse to the sale of the hospital lot at Cincinnati, with the recommendation that the resolution be indefinitely postponed.

And the question being on agreeing to the indefinite postponement of the resolution,

It was agreed to.

Mr. Beatty, from the committee on Roads and Highways, reported back

H. B. No. 152 ; An act to amend the act entitled an act for opening and regulating roads and highways, passed January 27, 1853, without amendment, and with the recommendation that the bill be passed.

The bill was then read the third time,

And the question being on the passage of the bill,

The yeas and nays were ordered, and resulted—yeas 27, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Taylor of Mahoning and Warfel—27.

Mr. Brown voted in the negative.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Heaton, from the committee on Benevolent Institutions, reported back H. B. No. 75, without amendment, and with the recommendation that it be passed.

The bill was then read the third time, and

On motion of Mr. Holmes, recommitted to the committee on Benevolent Institutions.

Mr. Phelps, select committee, to whom was referred

H. B. No. 178 ; To authorize the commissioners of Van Wert county to borrow money,

Reported the same back, with the recommendation that the bill be passed.

The bill was then read the third time,

And the question being, shall the bill pass ?

The yeas and nays were ordered and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—30.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 164 ; To amend the second section of an amendatory act, passed May 1, 1854, of an act entitled an act for the relief of the poor, passed March 14, 1853,

Was read the second time,

On motion of Mr. Baird, the constitutional rule was suspended, and the bill read the third time.

And the question being, shall the bill pass ?

The yeas and nays were ordered, and resulted—yeas 26, nays none.

Those who voted in the affirmative were

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Converse, Gardner, Hamilton, Hardy, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—26

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B's No. 156 and 139 were severally read the second time, and committed to the committee of the whole Senate, and made the order for this day.

H. B. No. 160, was read the second time, and referred to Mr. Brazee as a select committee of one.

H. B. No. 99, was read the second time, and referred to the committee on the Judiciary.

H. B. No. 170, was read the second time, and referred to Messrs. Lewis and Buckland as a select committee of two.

The Senate then took a recess.

THREE O'CLOCK, P. M.

H. B. No. 159, was read the second time, and referred to Messrs. Converse, Holmes and Matthews, as a select committee of three.

H. B. No. 176, was read the second time and referred to the committee on Public Printing.

H. B's Nos. 98 and 181 were severally read the second time, and referred to the committee of the whole Senate.

H. B. No. 151, was read the second time, and referred to the Judiciary committee.

S. B. No. 164, was read the second time, and referred to Mr. Buckland.

S. B. No. 159 ; Supplementary to an act entitled an act to prevent nuisances, passed Feb, 28, 1831,

Was read the third time.

And the question being on the passage of the bill,

The yeas and nays were ordered, and resulted—yeas 23, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps and Taylor of Mahoning—23.

Those who voted in the negative, were—

Messrs. Hawley and Warfel—2.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Heaton moved a suspension of the rules to enable the committee on Benevolent Institutions to make a report,

Which was agreed to,

Whereupon Mr. Heaton, from said committee, reported back

H. B. No. 75 ; To provide for the establishment of the Ohio Reform School,

With the recommendation that the bill be passed,

And the question then being on the passage of the bill,

The yeas and nays were ordered, and resulted—yeas 16, nays 11.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Griswold, Hamilton, Hardy, Heaton, Lawder, Marsh, Musgrave, Phelps, Warfel and Willford—16.

Those who voted in the negative were—

Messrs. Brown, Burnett, Converse, Gardner, Hawley, Holmes, Kelley, Kirk, Lawrence, Lewis and Taylor of Mahoning—11.

So the bill, not having received a constitutional majority, was lost on its passage.

On motion of Mr. Bundy, the vote by which the bill, on its passage was lost, was reconsidered, and the bill laid on the table.

Mr. Kelley moved a suspension of the rules to enable him to present a remonstrance,

Which was agreed to,

And thereupon Mr. Kelley presented the remonstrance of J. H. Coulter and sundry other citizens of Columbus, against the State House railroad,

Which was referred to the committee on Public Buildings.

On motion of Mr. Brazee, the committee of the whole was discharged from any further consideration of S. B. No. 108, and the committee on Railroads and Turnpikes was discharged from the further consideration of the remonstrance against said bill, and the bill and remonstrance were severally postponed to the first Monday of January next.

Mr. Phelps, from the committee on Public Works and Public Lands, reported back H. B. No. 183, with sundry amendments,

Which were agreed to.

The bill was then read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 27, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—27.

Those who voted in the negative were—

Messrs. Brown and Lawrence—2.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Brazee, special committee, to whom was referred

H. B. No. 160 ; An act to prevent and punish fraudulent transactions in tares and weights, and other abuses herein enumerated,

On leave of the Senate, reported the same back with the recommendation that the bill be passed,

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—27.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Kirk, the Senate resolved itself into committee of the whole on the orders of the day, Mr. Brown in the chair,

After some time spent therein the committee rose, and the chairman reported that the committee had had under consideration, H. B. No. 156, and had made progress therein, and asked leave to sit again. ,

Which was granted.

On motion of Mr. Taylor of Mahoning, the Senate resolved itself into committee of the whole, on the orders of the day, Mr. Holmes in the chair,

After some time spent therein, the committee rose, and the chairman reported S. B. No. 89, with one amendment,

Which was adopted, and

On motion of Mr. Brown, the bill was indefinitely postponed.

Also, H. B. No. 163, without amendment, which was recommitted to the committee on Universities, Colleges and Academies.

Also, S. B. No. 155, without amendment.

Also, H. B. No. 88, without amendment.

Also, H. B. No. 26, without amendment.

Also, H. B. No. 44, with sundry amendments, which were agreed to by the Senate.

Also, H. B. No. 139, without amendment.

Also, H. B. No. 64, without amendment.

Also, H. B. No. 109, without amendment.

Also, S. B. No. 154, without amendment.

Mr. Griswold, on leave of the Senate, introduced the following bill, which was read the first time :

S. B. No. 166 ; To amend a certain act therein named.

On motion of Mr. Griswold, the constitutional rule was suspended, and the bill was read the second time.

Mr. Hawley, from the Joint Enrolling Committee, submitted the following report :

The Enrolling committee report, that

S. B. No. 36 ; An act to amend an act entitled an act to provide for the organi-

zation of cities and incorporated villages, passed May 3. 1852, and the several acts amendatory thereof and supplementary to said acts, is correctly enrolled.

G. W. HAWLEY,
M. D. HARDY,
Senate Committee.
DAN. McFARLAND,
House Committee.

Mr. Baird moved to reconsider the vote by which S. B. No. 89 was lost on its passage,

Which was agreed to.

The bill was then ordered to be engrossed, and read the third time to-morrow.

On motion of Mr. Canfield the rules were suspended, to enable a select committee to report, thereupon Mr. Canfield, from the select committee to whom was recommitted

S. B. No. 105; An act to provide for the construction of a new building for the institution for the Deaf and Dumb at Columbus,

Reported the same back with one amendment,

Which was agreed to.

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 26, nays 3.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Taylor of Geauga, and Taylor of Mahoning—26.

Those who voted in the negative—were

Messrs. Holmes, Warfel and Willford—3.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed Senate joint resolution, "Relative to confirming the contract of the Canal Fund Commissioners with the Columbus Insurance Company," without amendment.

Attest:

JAMES S. ROBINSON, Clerk.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

SATURDAY, APRIL 5, 1856.

Prayer by the Rev. Mr. Warner.

Mr. Bundy presented the petition of sundry persons of Bloomfield township, Jackson county, praying an amendment to the school law, providing that schools in small districts shall be placed upon the same footing of larger ones, as to the school fund, which was committed to the committee of the whole Senate.

Mr. Canfield presented the memorial of James Elliott, praying an amendment to the law regulating the Board of Public Works, which was referred to the committee on Public Works.

Mr. Griswold, from the committee on the Judiciary, reported back H. B. No. 100, with the recommendation that the bill be postponed to the first Monday in January next, which was agreed to by the Senate.

The same committee reported back S. B. No. 14, and recommended its passage as amended.

On motion the bill was referred to Mr. Hawley as a select committee of one.

The same committee reported back H. B. No. 151, with the recommendation that it be postponed to the first Monday of January next, which was agreed to by the Senate.

The same committee reported back S. B. No. 123, with House amendments, with the recommendation that the amendments be agreed to.

And the question being on agreeing to the House amendments,

The yeas and nays were ordered, and resulted—yeas 8, nays 16.

Those who voted in the affirmative, were—

Messrs. Brown, Bundy, Canfield, Cattell, Hardy, Heaton, Taylor of Mahoning and Warfel.—8.

Those who voted in the negative, were—

Messrs. Baird, Brand, Brazee, Converse, Hamilton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Spencer and Taylor of Geauga.—16.

So the amendments were disagreed to.

Mr. Hamilton, from the committee on Public Printing, reported back H. B. No. 176, with the recommendation that the bill be passed.

Mr. Brown, from the committee on Federal Relations, to whom was referred the petition of George D. Hendricks, reported by bill, as follows, which was read the first time.

S. B. No. 167 ; An act providing for the application of the property belonging to the estate of Anderson Granger, deceased, late of Preble county, Ohio, and also for the settlement of said estate by the administrator.

On motion of Mr. Marsh, the constitutional rule was suspended, and the bill read the second and third times.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 31, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes,

Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—31.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. Bundy, from the committee on Fees and Salaries, reported back S. B. No. 8, with the recommendation that it be postponed to the first Monday of January next, which was agreed to by the Senate.

The same committee reported back Senate resolution relative to amending 311th section of the act prescribing the duties of County Treasurers; also petition of Hugh W. Ross asking an increase of the salaries of County Surveyors; also the petition of John P. Haller on the same subject, and recommended that the resolution and several petitions be postponed to the first Monday of January next, which was agreed to by the Senate.

Mr. Warfel, from the committee on the Militia, to whom was referred Senate resolution relative to the collecting and safe keeping of the Public Arms, reported by bill as follows, which was read the first time.

S. B. No. 168; An act to provide for the collecting and safe keeping of the Public Arms.

Mr. Taylor, of Geauga, from the committee on the Penitentiary, submitted a report, which was read at the clerk's desk, and ordered to lie upon the table, and to be printed.

Mr. Brazee, from the Judiciary committee, reported back H. B. No. 99, with one amendment.

And the question being on agreeing to the amendment, it was disagreed to.

Mr. Spencer, from the Judiciary committee, reported the following bill, which was read the first time.

S. B. No. 169; An act to amend the act passed February 20, 1856, entitled an act to amend "an act to establish a code of civil procedure," passed March 11, 1853.

On motion of Mr. Spencer, the constitutional rule was suspended, and the bill read the second and third times.

And on motion of Mr. Brazee, the bill was referred to the committee on the Judiciary.

On motion of Mr. Warfel, the constitutional rule was suspended, and S. B. No. 168, an act to provide for the collecting and safe keeping of the Public Arms, was read the second and third times.

And the question being on the passage of the bill,

The yeas and nays were ordered and resulted—yeas 28, nays 1.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—28.

Mr. Kelley voted in the negative.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. Lewis, from select committee, reported back H. B. No. 170, without amendment, and with the recommendation that it be passed.

The bill was ordered to a third reading to-day.

Mr. Canfield, select committee, reported back S. B. No. 150, an act to enable receivers of Mutual Fire Insurance Companies more effectually to collect the debts due to such companies, reported the same back with one amendment.

And the question being on agreeing to the amendment, it was adopted.

The question then being on the passage of the bill,

The yeas and nays were ordered and resulted—yeas 24, nays 6.

Those who voted in the affirmative, were—

Messrs Baird, Brand, Brazee, Brown, Buckland, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Holmes, Kelley, Kirk, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning and Willford—24.

Those who voted in the negative, were—

Messrs. Beatty, Heaton, Hyer, Lawder, Taylor of Geauga and Warfel—6.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. Holmes, select committee, reported back H. B. No. 159, without amendment, and with the recommendation that the bill be passed.

Mr. Buckland, from special committee, reported back S. B. No. 164, an act relative to the sale of the stock in the Cleveland and Toledo railroad company, owned by the northern range of townships in Huron county, with sundry amendments, which were agreed to by the Senate, and the bill ordered to be engrossed at the Clerk's desk.

The bill was then read the third time, and the question being on its passage,

The yeas and nays were ordered and resulted—yeas 29, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—29.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. Hawley, from the special committee to whom was referred S. B. No. 14, an act to amend the act entitled "an act defining the jurisdiction and regulating the practice of Probate Courts," passed March 14, 1853, reported the same back with the recommendation that the Senate amendments be stricken out, and that the bill, as originally reported, be passed.

And the question being on agreeing to the report, it was adopted.

The bill was then read the third time, and the question being, Shall the bill pass?

The yeas and nays were ordered and resulted—yeas 22, nays 6.

Those who voted in the affirmative, were—

Messrs. Beatty, Brazee, Brown, Buckland, Bundy, Canfield, Converse, Gard-

ner, Griswold, Hardy, Hawley, Heaton, Kelley, Lawder, Lawrence, Lewis, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning and Warfel—22.

Those who voted in the negative, were—

Messrs. Brand, Hamilton, Hyer, Lunt, Marsh and Spencer—6.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. Buckland, from the committee of Conference, on matters of difference relative to S. B. No. 62, submitted a report recommending that the House adhere to its amendment, and that the Senate recede from its disagreement thereto.

And the question being on agreeing to the report, the Senate refused to adopt the same.

Mr. Kelley, from the committee of Conference on S. B. No. 42, submitted a report on the matters of difference between the two Houses.

And the question being on agreeing to the report, the yeas and nays were ordered and resulted—yeas 29, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—29.

So the report was concurred in.

Mr. Kelley, from the Finance committee, reported the following bill, which was read the first time.

S. B. No. 172; A bill making appropriations to pay certain deficiencies in former appropriations.

On motion of Mr. Kelley, the constitutional rule was suspended, and the bill read the second time, and was then referred to the committee of the whole and made the order for this day.

S. B. No. 163, was read the second time and referred to the committee on the Judiciary.

H. B. No. 88; An act supplementary to an act defining the powers and duties of justices in criminal cases, passed March 27, 1837,¹ was read the third time, and the question being on the passage of the bill,

The yeas and nays were ordered and resulted—yeas 4, nays 23.

Those who voted in the affirmative, were—

Messrs. Beatty, Brazee, Brown and Griswold—4.

Those who voted in the negative, were—

Messrs. Baird, Brand, Buckland, Bundy, Canfield, Converse, Hamilton, Hardy, Heaton, Holmes, Hyer, Kelley, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

So the bill not having received a constitutional majority was lost on its passage.

H. B. No. 139; An act to provide for the regulation and management of the institutions of the Blind and of the Deaf and Dumb, was read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 24, nays 4.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Taylor of Mahoning and Warfel—24.

Those who voted in the negative, were—

Messrs. Converse, Lawrence, Matthews and Phelps—4.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

S. B. No. 166 ; To amend a certain act therein named,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 30 ; nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—30.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

H. B. No. 170 ; For the relief of certain turnpike and plank road companies,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 27 ; nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy Hawley, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—27.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. Heaton moved to suspend the rules to enable a bill to be taken from the table,

Which was agreed to.

Whereupon, Mr. Heaton moved to take from the table H. B. No. 75 ; To provide for the establishment of the Ohio Reform School,

Which was agreed to,

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 26 ; nays 3.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Kelley, Kirk, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—26.

Those who voted in the negative were—

Messrs. Brown, Hawley, and Hyer—3.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

H. B. No. 99 ; To amend the act entitled “ an act to authorize copies and surveys in the Virginia Military District to be made,” passed March 19, 1850,

Was read the third time.

And the question being on the passage of the bill,

Mr. Buckland moved to reconsider the vote by which the Senate refused to adopt the amendment to the bill reported by the Judiciary Committee.

And the question being on reconsideration, the yeas and nays were demanded, ordered, and resulted—yeas 15 ; nays 13.

Those who voted in the affirmative were—

Messrs. Brazee, Brown, Buckland, Canfield, Gardner, Griswold, Hawley, Heaton, Hyer, Lawder, Lawrence, Marsh, Phelps, Taylor of Geauga, and Warfel—15.

Those who voted in the negative were—

Messrs. Baird, Beatty, Brand, Bundy, Griswold, Hamilton, Hardy, Kelley, Kirk, Lewis, Lunt, Matthews, Musgrave, and Taylor of Mahoning—13.

So the vote on the amendment was reconsidered.

And the question being on the adoption of the amendment,

It was agreed to.

The question then recurring on the passage of the bill, the yeas and nays were ordered and resulted—yeas 11 ; nays 17.

Those who voted in the affirmative, were—

Messrs. Beatty, Brazee, Brown, Buckland, Gardner, Griswold, Hardy, Hyer, Lawder, Lawrence, and Marsh—11.

Those who voted in the negative were—

Messrs. Baird, Brand, Bundy, Hamilton, Hawley, Heaton, Kelley, Kirk, Lewis, Lunt, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—17.

So the bill not having received a constitutional majority, was lost on its passage.

On motion, H. B. No. 176 was recommitted to Mr. Hamilton as a select of committee of one.

H. B. No. 26 was read the third time, and recommitted to the committee on Fees and Salaries.

On motion of Mr. Kelley the Senate went into executive session.

Mr. Kelley moved to take from the table the motion to reconsider the vote on advising and consenting to the appointment of Nathan T. Bradford to be collector of tolls at Circleville,

Which was agreed to.

And the question being on reconsideration, the yeas and nays were demanded, ordered, and resulted—yeas 13 ; nays 16.

Those who voted in the affirmative were—

Messrs. Baird, Brown, Bundy, Canfield, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Taylor of Geauga, and Warfel—13.

Those who voted in the negative were—

Messrs. Beatty, Brand, Brazee, Buckland, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Matthews, Taylor of Mahoning, and Willford—16.

So the Senate refused to reconsider the vote on the appointment of Nathan T. Bradford to be collector at Circleville.

The Senate then took a recess,

THREE O'CLOCK, P. M.

Mr. Beatty, on leave of the Senate, introduced the following bill,

Which was read the first time.

S. B. No. 170 ; To provide for the terms of the district courts in the several counties of the eighth common pleas district.

On motion of Mr. Beatty, the constitutional rule was suspended, and the bill read the second and third times.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 22 ; nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Converse, Griswold, Hamilton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—22.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

H. B. No. 159 ; To amend the act entitled “an act to regulate the inspection of tobacco,” passed February 8, 1826,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 26 ; nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Taylor of Mahoning, Warfel, and Willford—26.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

H. B. No. 44 ; Supplementary to the act providing for the punishment of crimes, passed March 7, 1835,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 27 ; nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Hyer, Kirk, Lawder, Lawrence,

Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—27.

Mr. Converse voted in the negative.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

H. B. No. 109 ; Further defining the duties of county treasurers,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 25 ; nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Hyer, Kirk, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—25.

Those who voted in the negative were—

Messrs. Hawley and Phelps—2.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

H. B. No. 64 ; Authorizing the sale of property for charges in certain cases,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 25 ; nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Canfield, Gardner, Griswold, Hardy, Heaton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—25.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills without amendment :

S. B. No. 136 ; "To provide for the payment of the public debt of the State, due January 1, 1857, and for the payment of the interest on the public debts."

S. B. No. 165 ; "Authorizing the commissioners of Clermont county to sell or exchange the Infirmary Farm of said county."

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has agreed to the joint report of the committee of Conference on S. B. No. 42.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House acceded to the request of the Senate in asking for a committee of conference on S. B. No. 41 ; Prescribing the duties of the Commissioners of the Sinking Fund in certain cases," and have appointed Messrs. Cook, Carlin, and Cadwell on the part of the House as said committee.

Attest :

JAMES S. ROBINSON, Clerk.

The President then appointed Messrs. Phelps and Brand members of said committee on the part of the Senate.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill, in which the concurrence of the Senate is requested.

H. B. No. 185 ; To authorize the Commissioners of Ottawa county, to borrow money for purposes therein named.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House Bill was then read the first time.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has, in the presence of the same, signed the following enrolled bills :

H. B. No. 71 ; Further to amend and supplementary to an act entitled an act securing the benefits of the writ of habeas corpus.

H. B. No. 135 ; To amend an act entitled an act to provide for the sale of the Western Reserve School Lands, passed Feb. 17, 1849.

H. B. No. 72 ; Supplementary to the act entitled "an act to preserve the purity of elections," passed May 20, 1840.

H. B. No. 133 ; Supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

H. B. No. 28 ; Further prescribing the powers and duties of courts of this State and the Judges thereof.

H. B. No. 150 ; To authorize incorporated villages to take the enumeration of their inhabitants for the purpose of becoming cities of the second class.

H. B. No. 126 ; To confirm sales made by the trustees of civil townships of section sixteen, and other lands granted by congress in lieu thereof, to purchasers.

S. B. No. 36 ; To amend an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the several acts amendatory thereof and supplementary to said acts.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills.

Message from the House of Representatives.

Mr. President :

The House has passed the following House Bills, in which the concurrence of the Senate requested :

H. B. No. 169 ; Making appropriations for construction, repairs, superintendence, and expenses on the Public Works of Ohio, for the year one thousand eight hundred and fifty-six.

H. B. No. 184 ; " Making appropriations for the year 1856."

Attest :

J. S. ROBINSON, Clerk.

The foregoing House Bills were then severally read the first time.

On motion of Mr. Kelley, the constitutional rule was suspended, and the foregoing H. B. No. 169 was read the second time, and referred to the committee on Public Works.

On motion of Mr. Taylor of Mahoning, the constitutional rule was suspended, and the foregoing H. B. No. 184 was read the second time,

And referred to the committee on Finance.

Mr. Griswold moved a suspension of the rules to enable the Judiciary Committee to report ; which was agreed to.

Whereupon Mr. Griswold, from said committee reported back

S. B. No. 169 ; An act to amend an act passed February 20, 1856, entitled an act to amend "an act to establish a code of civil procedure," passed March 11, 1853—with sundry amendments.

And the question being on agreeing to the amendments, they were adopted.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 26 ; nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Myer, Kelley, Kirk, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Wartel, Willford—26.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 155, with amendment hereto attached.

The House has also passed S. B. No. 148 ; " To provide for the prosecution of the work on the new State House, prescribing the order in which it shall be done, and making appropriations therefor," with amendment herewith enclosed.

Attest :

JAS. S. ROBINSON, Clerk.

The question being on agreeing to House amendment to S. B. No. 155, the yeas and nays were ordered and resulted—yeas 25 ; nays none.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Buckland, Canfield, Converse, Gardner, Griswold, Hamilton, Heaton, Myer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh,

Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—25

So the amendment was concurred in.

The question then being on agreeing to the House amendment to S. B. No. 148, the yeas and nays were ordered and resulted—yeas 24; nays none.

Those who voted in the affirmative were—

Messrs. Beatty, Brand Brazee, Buckland, Canfield, Converse, Gardner, Griswold, Hamilton, Heaton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, and Warfel—24.

So the amendment was concurred in.

On motion of Mr. Kirk, the Senate resolved itself into committee of the whole on the special order of the day, Mr. Brown in the chair.

After some spent therein the committee rose, and the chairman reported back H. B. No. 156, with sundry amendments.

On motion of Mr. Brazee the several amendments were adopted by the Senate.

Mr. Taylor of Mahoning moved to amend the bill as follows :

In the third section and first line, after the word each, insert these words : "After the expiration of the term of the present Warden, or his removal as prescribed by law.

And the question being on agreeing to the amendment, the yeas and nays were demanded, ordered, and resulted—yeas 6; nays 21.

Those who voted in the affirmative were—

Messrs. Converse, Lawrence, Matthews, Musgrave, Phelps, and Taylor of Mahoning—6.

Those who voted in the negative were—

Messrs. Beatty, Brand, Brazee, Brown, Buckland, Bundy, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Taylor of Geauga, and Warfel—21.

So the amendment was disagreed to.

On motion of Mr. Kirk the amendments were then engrossed at the clerk's desk, and the bill read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered and resulted—yeas 22; nays 5.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Buckland, Bundy, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Taylor of Geauga, and Warfel—22.

Those who voted in the negative were—

Messrs. Converse, Lawrence, Matthews, Phelps, and Taylor of Mahoning—5.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. Converse, from the committee of conference on House amendments to S. B. No. 77, submitted a report.

Mr. Brazee moved that the report be adopted.

And the question being on agreeing to the report, the yeas and nays were ordered and resulted—yeas 22; nays 5.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Bundy, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Matthews, Musgrave, Phelps, and Warfel—22.

Those who voted in the negative were—

Messrs. Brown, Lawrence, Lunt, Taylor of Geauga, and Taylor of Mahoning—5.

So the report was concurred in.

Mr. Hawley, from the joint committee on Enrollment, submitted the following report:

The Joint Standing Committee on Enrollment, report that they have examined and found correctly enrolled the following bills and joint resolutions, viz:

H. B. No. 183; To provide for the enlargement of the Lewistown Reservoir.

H. B. No. 1; To restore to the court of common pleas the jurisdiction of minor criminal offences in certain counties in this State.

H. B. No. 18; To amend section two of an act entitled "an act to amend the several acts now in force in relation to the sale of lands forfeited to the State for the non-payment of taxes, passed March 12, 1845.

H. J. R.; Relative to renting a room for holding the Supreme Court.

H. B. No. 164; To amend the several sections of an amendatory act passed May 1, 1854, of an act entitled an act for the relief of the poor, passed March 14, 1853

H. B. No. 160; To prevent and punish fraudulent transactions in tares and weights, and other abuses herein enumerated.

H. B. No. 58; To provide for the uniform government and better regulation of the Lunatic Asylums of the State, and the care of idiots and the insane.

Mr. Kelley, from the Finance Committee, reported the following bill,

Which was read the first time.

S. B. No. 171; Prescribing and limiting the rates of taxation.

On motion of Mr. Kelley, the constitutional rule was suspended, and the bill was read the second time, and committed to the committee of the whole Senate, and made the special order for this day.

Mr. Canfield offered for adoption a resolution appropriating certain rooms in the new State House, which, on motion of Mr. Kelley was ordered to lie upon the table.

On motion of Mr. Kelley the Senate resolved itself into committee of the whole, on the orders of the day, Mr. Phelps in the chair.

After some time spent therein the committee rose, and the chairman reported back S. B. No. 172, without amendment; which,

On motion of Mr. Kelley, was ordered to be engrossed and read the third time on Monday next.

Mr. Bundy nominated Virtulon Rich ; and there being no other nomination,

The roll was called, and the following Senators voted for Mr. Rich :

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Canfield, Converse, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—28.

So Mr. Rich having received a majority of all the votes cast, was declared duly elected Fourth Assistant Clerk.

Mr. Rich then appeared within the bar of the Senate, and took the oath of office and the oath to support the constitution of the United States and of the State of Ohio.

Mr. Brand, special committee, to whom was referred H. B. No. 143, submitted the following report :

The select committee to whom was referred

H. B. No. 143 ; “ Further to preserve the purity of elections held within this State,” has had the same under consideration, and now report the same back with amendments, and recommend the passage of the bill.

Believing, as your committee does, that there is no evil resting upon the elective franchise and effecting the rights of American citizens, as does the evils resulting under the naturalization laws ; and as this evil is exhibited glaringly always immediately preceding an important State or Presidential election, we have deemed it necessary to report an amendment restricting the issuing of certificates of naturalization to a period of six months preceding such elections, being satisfied that it will take away the motive always influencing demagogues and interested parties in urging and pressing an ignorant mass of foreigners (and often wrongfully) to procure their certificates.

This bill, if enacted, will correct this great evil, and being equal in its operations upon all parties, should not be objected to on account of its affecting this or that party.

JOS. C. BRAND.

The question being on agreeing to the amendments reported,

On motion of Mr. Canfield, the bill and pending amendments were temporarily laid on the table.

Mr. Hamilton, from the standing committee on Public Printing, submitted the following report :

They find that the public printing has been twice let to the lowest bidder, to wit : in 1852 and in 1854. The first contract took effect on the first Monday of November, 1852, and it expired on the same Monday of November, 1854. The second contract took effect on the first Monday of November, 1854, and will expire on the first Monday of November, 1856.

The printing for the State for the year 1854—that being the year of the last session of the General Assembly—was done under the first contract, and the printing for that year cost the State \$19,284 77.

The printing for the current year is done under the second contract, and the committee find that the second contract was at much higher rates than the first contract. They find the rate of increase to vary from 25 per cent. to 500 per cent. The heaviest job is the Journals, and on these the increase is 65 per cent. On the Laws the increase is 40 per cent. But in order that the whole subject

may be exhibited in compact form, the committee submit the following table compiled from the original contracts by the Secretary of State.

The first column gives the names of items, the second the contract price of these items under the contract of 1852, the third the prices under the contract of 1854, and the fourth column shows the rate of increase in the contract price of each item :

NAMES OF ITEMS.	1852.	1854.	RATE OF INCREASE.
BILLS, RESOLUTIONS, &C.			
Per 1000 ems for composition.....	\$0 12½	\$0 27	116 per cent.
Per token for press work	15	22	46 "
JOURNALS, &C.			
Per 1000 ems for composition	20	33	65 "
Per token for press work	18	25	38 "
REPORTS, &C.			
Per 1000 ems for composition	25	33	32 "
Per token for press work	14	20	42 "
LAWS.			
Per 1000 ems for composition, general laws	25	35	40 "
" " " local laws..	25	35	40 "
Per token for press work.....	14	22	57 "
CIRCULARS, BLANKS, &C.			
Per 1000 ems for composition.....	10	33	30 "
Per quire for press work	03	15	400 "
BILLS, RESOLUTIONS, &C.			
Per 100 sheets for folding	04	05	25 "
Per 100 copies for stitching	15	40	166 "
Per 100 copies for brochure covering.....	15	50	233 "
LAWS, JOURNALS, AND DOCUMENTS.			
Per 100 sheets for folding	04	05	25 "
Per 100 copies for stitching	25	1 50	500 "
Per 100 copies brochure covering.....	15	20	33 "
Per 100 copies half-binding.....	10 00	25 00	150 "

PROBABLE APPROPRIATION NECESSARY FOR PRINTING FOR 1856.

Allowing that the amount of printing for the present year will be the same as in 1854, the amount needed for printing and binding the Laws, Journals, Legisla-

tive and Executive Documents and other State printing, will be not less than \$25,000 in addition to the unexpended balance on hand November 15, 1855.

Amount expended for printing in 1854.....	\$19,248 77
Present contracts over 60 per cent. higher—add 60 per cent.....	11,549 26

Amount	30,798 03
Amount on hand unexpended, November 15, 1855.....	\$7,863 91
Bills paid since Nov. 15, belonging to last year's printing, some	2,000 00
	<hr/> 5,860 91

Amount necessary to be appropriated	\$24,937 12
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Mr. Canfield, from the committee on Schools and School Lands, to whom was referred the petition of John Stewart, reported by resolution authorizing the Register of Virginia Military School Lands to execute the lease prayed for in said petition.

The resolution was adopted by the Senate.

H. B. No. 185 was read the second time, and referred to Mr. Buckland as a special committee of one.

H. B. No. 168; To authorize Seminaries of Learning to change their names and become Colleges,

Was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and were—yeas 22; nays 7.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Buckland, Bundy, Canfield, Gardner, Hamilton, Hardy, Hawley, Holmes, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, and Willford—22.

Those who voted in the negative were—

Messrs. Brazeo, Brown, Griswold, Heaton, Kirk, Lawder, and Warfel—7.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, relative to an office for the Attorney General, in which the concurrence of the Senate is requested.

Attest:

J. S. Robinson, Clerk.

On motion of Mr. Canfield, the foregoing resolution was referred to the committee on Public Buildings.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has signed the following enrolled bills and joint resolutions in the presence of the House, while in session:

Joint resolution relative to renting a room for holding the supreme court.

H. B. No. 58 ; To provide for the uniform government and better regulation of the Lunatic Asylums of the State, and the care of idiots and the insane.

H. B. No. 83 ; To regulate the admission of attorneys at law in certain cases.

H. B. No. 160 ; To prevent and punish fraudulent transactions in tares and weights, and other abuses herein mentioned.

H. B. No. 183 ; To provide for the enlargement of the Lewistown Reservoir.

H. B. No. 164 ; To amend the second section of an amendatory act, passed May 1, 1854, of an act entitled an act for the relief of the poor, passed March 14, 1853.

H. B. No. 18 ; To amend section two of an act entitled an act to amend the several acts now in force in relation to the sale of lands forfeited to the State for the non payment of taxes, passed March 12, 1845.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills and joint resolution.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill without amendment :

S. B. No. 75 ; To amend the fifth section of an act entitled an act to provide for compensation to the owners of private property appropriated to the use of corporations, passed April 30, 1852.

The House has also passed the following House bills in which the concurrence of the Senate is requested :

H. B. No. 147 ; To amend the sixth section of an act to encourage the killing of wolves, passed April 26, 1852.

H. B. No. 127 ; A bill to dispense with surveys of land when the same has been sold in different parcels, for the non-payment of taxes, and to authorize a conveyance of the same without such surveys.

H. B. No. 97 ; To amend an act entitled an act defining the jurisdiction, and regulating the practice of probate courts, passed March 14, 1855.

The House has passed S. B. No. 153, with amendments, to which the concurrence of the Senate is requested :

S. B. No. 153 ; Supplemental to the act regulating railroad companies, passed February 11, 1848, and repealing the 8th section thereof.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House bills were then severally read the first time.

Message from the House of Representatives.

Mr. President :

The House has agreed to the report of the committee of conference on Senate bill No. 62.

Attest :

J. S. ROBINSON, Clerk.

The House has passed the following bill without amendment :

S. B. No. 63 ; Supplementary to an act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed Feb. 15, 1853.

Attest :

JAS. S. ROBINSON, Clerk.

Monday, April 7, 1856.

Message from the House of Representatives.

Mr. President :

S. B. No. 65 ; To tax banks and banking companies incorporated under the act entitled an act to incorporate the State Bank of Ohio and other banking companies, passed Feb. 24, 1845, has been passed by the House without amendment.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate amendments to House bill No. 158.

Attest :

JAMES S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House insists on its amendments to

S. B. No. 123 ; In addition to the several acts in relation to the courts of justice and their powers and duties; and ask for a committee of conference.

Attest :

JAMES S. ROBINSON, Clerk.

The Senate agreed to the committee of conference aforesaid, and the President appointed Messrs. Taylor of Mahoning and Brazee members of said committee on the part of the Senate:

Message from the Senate.

Mr. Speaker :

The House has agreed to Senate amendment to

H. B. No. 44 ; Supplementary to an act providing for the punishment of crimes, passed March 7th, ———.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following bills in the presence of the same, while in session :

H. B. No. 159 ; To amend the act entitled an act to regulate the inspection of tobacco, passed Feb. 8, 1826.

H. B. No. 75 ; To provide for the establishment of the Ohio Reform School.

H. B. No. 178 ; To authorize the commissioners of Van Wert county to borrow money.

Attest :

J. S. ROBINSON, Clerk.

The foregoing enrolled bills, as required by the constitution, were then signed by the President of the Senate.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolution, in which the concurrence of the Senate is requested :

H. J. R.; Relative to instructing our Representatives in Congress in relation to railroads.

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to the foregoing resolution, it was adopted, as follows :

Resolved, by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to use their best endeavors to procure the passage of a law by Congress, making adequate provision for aiding in the construction of a railroad to the Pacific Ocean, on such route or routes as they may deem to be most practicable and best calculated to advance the interests of the country.

Resolved, That the Governor of this State be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

On motion of Mr. Baird, the constitutional rule was suspended, and H. B. No. 127 was read the second time and referred to Messrs. Baird and Brazee as a special committee.

On motion of Mr. Spencer, the constitutional rule was suspended, and H. B. No. 97 was read the second time and referred to the Judiciary committee.

On motion of Mr. Marsh, the Senate went into executive session to consider nominations sent in by the Governor.

The President then laid before the Senate sundry communications from the Governor announcing the following appointments to office :

Joseph Cable, to be inspector at Junction.

John L. Robertson, to be inspector at Akron.

Mavor Brigham, to be collector of tolls at Toledo.

Henry S. Pierce, to be inspector at Zanesville.

John Paul, to be collector at Defiance.

Thomas D. Thomas to be inspector at Toledo.

Mr. Phelps moved that the Senate do advise and consent to the appointment of Joseph Cable, to be inspector at Junction.

Upon which motion, the yeas and nays were ordered, and resulted—yeas 25, nays 4.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Canfield, Converse, Gardner, Hamilton, Hardy, Hawley, Holmes, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—25.

Those who voted in the negative were—

Messrs. Brazee, Griswold, Kelley and Kirk—4.

So the Senate advised and consented to the appointment of Joseph Cable to be inspector at Junction.

Mr. Brown moved that the Senate do advise and consent to the appointment of John L. Robertson to be inspector at Akron.

Upon which motion the yeas and nays were ordered, and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Holmes, Kelley, Kirk,

Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—30.

So the Senate advised and consented to the appointment of John L. Robertson to be inspector at Akron.

Mr. Lawder moved that the Senate do advise and consent to the appointment of Mavor Brigham to be collector of tolls at Toledo.

Upon which motion the yeas and nays were ordered and resulted—yeas 27, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—27.

Mr. Converse voted in the negative.

So the Senate advised and consented to the appointment of Mavor Brigham to be collector of tolls at Toledo.

Mr. Beatty moved that the Senate do advise and consent to the appointment of Henry S. Pierce to be inspector at Zanesville.

Upon which motion the yeas and nays were ordered, and resulted—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—28.

So the Senate advised and consented to the appointment of Henry S. Pierce to be inspector at Zanesville.

Mr. Lawder moved that the Senate do advise and consent to the appointment of John Paul to be collector of tolls at Defiance.

Upon which motion the yeas and nays were ordered, and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—30.

So the Senate advised and consented to the appointment of John Paul to be collector of tolls at Defiance.

Mr. Lunt moved that the Senate advise and consent to the appointment of Thomas D. Thomas to be inspector at Toledo.

Upon which motion the yeas and nays were ordered, and resulted—yeas 27, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—28.

So the Senate advised and consented to the appointment of Thomas D. Thomas to be inspector at Toledo.

Mr. Brazee, from the special committee to whom was referred

H. B. No. 127; Dispensing with the survey of land where the same has been sold in different parcels for the non payment of taxes, and to authorize a conveyance of the same without such surveys,

Reported the same back and recommended its passage.

On motion of Mr. Brazee, the constitutional rule was suspended, and the bill read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and were—yeas 25, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Lawder, Lawrence, Lewis, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, and Warfel—25.

Mr. Marsh voted in the negative.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps moved to take from the table House Joint Resolution relative to making an index of the local laws since 1844,

Which was agreed to.

And the question being on the adoption of the resolution.

Mr. Brown moved to strike out the words "State Librarian," and insert "William B. Thrall."

And a division of the question being demanded, it turned on striking out.

Upon which question the yeas and nays were demanded, ordered, and resulted—yeas 13; nays 8.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Buckland, Bundy, Canfield, Gardner, Griswold, Hawley, Heaton, Kelley, Lawder, Marsh, Musgrave, Rush, Spencer, and Warfel—18.

Those who voted in the negative were—

Messrs. Baird, Converse, Hardy, Lawrence, Lewis, Matthews, Phelps, and Taylor of Mahoning—8.

So the Senate struck out the words "State Librarian."

The question then being on inserting the name "William B. Thrall,"

Mr. Gardner moved to postpone the resolution to the first Monday of January next.

And the question being on postponing, the yeas and nays were demanded, ordered, and resulted—yeas 13; nays 14.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brown, Buckland, Bundy, Canfield, Gardner, Hardy, Hawley, Lawder, Lewis, Rush, and Warfel—13.

Those who voted in the negative were—

Messrs. Beatty, Brazee, Converse, Griswold, Hamilton, Heaton, Kelley, Lawrence, Marsh, Matthews, Musgrave, Phelps, Spencer, and Taylor of Mahoning—14.

So the Senate refused to postpone the resolution.

The question recurring on inserting the name of William B. Thrall,

Mr. Brand moved that the Senate take a recess.

And the question being on taking a recess, the yeas and nays were demanded, ordered, and resulted—yeas 13 ; nays 13.

Those who voted in the affirmative were—

Messrs. Baird, Brown, Buckland, Bundy, Canfield, Gardner, Hawley, Heaton, Kelley, Lawder, Rush, Taylor of Mahoning, and Warfel—13.

Those who voted in the negative were—

Messrs. Beatty, Brand, Brazee, Converse, Griswold, Hamilton, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, and Spencer—13.

So the Senate refused to take a recess.

The question recurring on inserting the name of William B. Thrall,

Mr. Buckland moved a call of the Senate,

Which was agreed to.

The roll was called, and the following Senators ascertained to be absent, viz:

Messrs. Burnett, Cattell, Holmes, Hyer, Kirk, Lunt, Taylor of Geauga, and Willford.

On motion of Mr. Spencer all further proceedings under the call were dispensed with.

The question again recurring on inserting the name of "William B. Thrall,"

Mr. Marsh moved that the Senate take a recess,

And the question being on taking a recess, the yeas and nays were demanded, ordered, and resulted—yeas 13 ; nays 14.

Those who voted in the affirmative, were—

Messrs. Baird, Brown, Buckland, Bundy, Canfield, Gardner, Hardy, Hawley, Kelley, Lawder, Rush, Taylor of Mahoning, and Warfel—13.

Those who voted in the negative were—

Messrs. Beatty, Brand, Brazee, Converse, Griswold, Hamilton, Heaton, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, and Spencer—14.

So the Senate refused to take a recess.

The question again recurring on inserting the name of "William B. Thrall,"

Mr. Matthews moved the previous question.

The question being stated, "Shall the main question be now put?"

It was agreed to by the Senate.

The question then being, shall the blank be filled by inserting the name of "William B. Thrall?"

The yeas and nays were demanded, ordered, and resulted—yeas 16 ; nays 10.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Converse, Griswold, Hamilton, Hardy, Heaton, Kelley, Lawder, Lawrence, Marsh, Matthews, Musgrave, and Spencer—16.

Those who voted in the negative were—

Messrs. Baird, Buckland, Bundy, Canfield, Gardner, Hawley, Lewis, Rush, Taylor of Mahoning, and Warfel—10.

So the Senate agreed to fill the blank with the name of William B. Thrall.

The question then being on the adoption of the resolution as amended,

The yeas and nays were demanded, ordered, and resulted—yeas 13 ; nays 14.

Those who voted in the affirmative were—

Messrs. Beatty, Brazee, Converse, Griswold, Hamilton, Heaton, Kelley, Lawrence, Marsh, Matthews, Musgrave, Phelps, and Spencer—13.

Those who voted in the negative were—

Messrs. Baird, Brand, Brown, Buckland, Bundy, Canfield, Gardner, Hardy, Hawley, Lawder, Lewis, Rush, Taylor of Mahoning, and Warfel—14.

So the resolution was disagreed to.

The Senate then took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Beatty, H. B. No. 153; Authorizing the State of Ohio to adopt as part of the Public Works of the State that portion of the Sandy and Beaver Canal which lies between Bolivar and Sandyville,

Was taken from the table.

And the question being on the passage of the bill,

Mr. Brazee moved to amend by way of rider of follows :

Add as follows at the close of section 2, viz :

“So soon as the same shall be accepted by the Board of Public Works, and conveyed to the State in the manner in this act provided.”

And the question being on agreeing to the amendment, it was adopted.

The question then recurring on the passage of the bill, the yeas and nays were ordered and resulted—yeas 22 ; nays 6.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Bundy, Converse, Gardner, Griswold, Hamilton, Hawley, Holmes, Kelley, Lawder, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Warfel, and Willford—22.

Those who voted in the negative were—

Messrs. Baird, Brown, Canfield, Lawrence, Taylor of Geauga, and Taylor of Mahoning—6.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

On motion, S. B. No. 172 was taken from the table and recommitted to Mr. Kelley as a select committee of one.

Mr. Phelps, from the joint committee of conference on S. B. No. 41, submitted the following report :

The Joint Committee of Conference appointed upon the difference between the two Houses of the General Assembly upon Senate bill No. 41, being a bill prescribing the duties of the Commissioners of the Sinking Fund, report :

That they recommend to the two Houses that the Senate amendment to the amendment of the House to the 4th section of said bill be agreed to.

On motion of Mr. Brand, H. B. No. 143 ; Further to preserve the purity of elections held within this State,

Was taken from the table.

And the question being on the adoption of the pending amendments reported by Mr. Brand as a special committee,

Mr. Matthews raised the following point of order, to wit : that the amendment was out of order, as not being germane to the bill.

The President of the Senate thereupon decided the amendment to be in order, and overruled the point of order ; from which decision Mr. Matthews took an appeal to the Senate, and demanded the yeas and nays thereon,

And the question being, shall the decision of the chair stand as the judgment of the Senate, the yeas and nays were ordered thereon, and resulted as follows—yeas 21 ; nays 8.

Those who voted affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Bundy, Gardner, Hamilton, Hardy, Hawley, Heaton, Kelley, Lawder, Lewis, Lunt, Marsh, Musgrave, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—21.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence, Matthews, and Phelps—5.

So the chair was sustained in its decision.

The question then being on agreeing to the amendment, viz : To add sections 2, 3, 4, 5, 6, and 7 to said bill,

The yeas and nays were demanded by Mr. Matthews, and ordered, and resulted—yeas 18 ; nays 12.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Bundy, Hamilton, Hardy, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Rush, Spencer, Taylor of Geauga, and Warfel—18.

Those who voted in the negative were—

Messrs. Baird, Brown, Converse, Gardner, Hawley, Holmes, Lawrence, Matthews, Musgrave, Phelps, Taylor of Mahoning and Willford—12.

So the amendments were adopted.

The bill was then read the third time, and the question being on its passage, the yeas and nays were ordered and resulted—yeas 18 ; nays 12.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Bundy, Hamilton, Hardy, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Marsh, Rush, Spencer, Taylor of Geauga, and Warfel—18.

Those who voted in the negative were—

Messrs. Baird, Brown, Converse, Gardner, Hawley, Holmes, Lawrence, Matthews, Musgrave, Phelps, Taylor of Mahoning, and Willford—12.

So the bill having received a constitutional majority was passed.

Ordered that the title be amended by striking out the words, "Held within the State."

The title as amended was then adopted as follows: "An act further to preserve the purity of elections."

Mr. Brazee, from the Judiciary Committee, to whom was referred Senate resolution relative to the drafts, bills and other choses in action in the hands of the State Treasurer, reported a substitute for the same, as follows:

Resolved by the General Assembly of the State of Ohio, That the Treasurer of State be and he is hereby directed to proceed forthwith, and present for acceptance and payment all drafts, bills, and other choses in action in the hands of the Treasurer, which are now due, and that he proceed in like manner to collect any other drafts, bills, or other choses in action in his hands, that are not now due, as soon as the same shall become due.

And the question being on agreeing to the substitute, it was adopted.

The question then being on agreeing to the resolution as amended,

On motion of Mr. Brazee it was referred to the committee on the Judiciary.

Mr. Kelley moved a suspension of the rules to enable a special committee to report; which was agreed to.

Whereupon Mr. Kelley, from the special committee to whom was referred Senate bill No. 172, reported the same back with sundry amendments.

And the question being on agreeing to the amendments, they were adopted.

The bill was then read the third time, and the question being on its passage, the yeas and nays were ordered and resulted—yeas 20; nays 7.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Gardner, Hamilton, Hardy, Hawley, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Mahoning, and Willford—20.

Those who voted in the negative were—

Messrs. Beatty, Brown, Bundy, Converse, Lawrence, Taylor of Geauga and Warfel—7.

So the bill having received a constitutional majority was passed.

Ordered that the title be as follows: "An act making appropriations to pay certain deficiencies in former appropriations."

Mr. Brazee, from the Judiciary committee, to whom was referred Senate Resolution relative to drafts, certificates, and other choses in action in the hands of the State Treasurer, reported an amendment to the same,

And the question being on agreeing to the amendment, it was adopted.

The question then being on agreeing to the resolution as amended, it was adopted, as follows:

Resolved, by the General Assembly of the State of Ohio, That the Treasurer State be and he is hereby directed to proceed forthwith, and present for acceptance and payment, all drafts, bills, and other choses in action in the hands of the Tre

urer which are now due, and that he proceed in like manner to collect any other drafts, bills, or other choses in action in his hands that are not now due as soon as the same shall become due. Provided, that nothing in this resolution shall be construed or understood to sanction the receipt of such evidences of debt, instead of money, by the present Treasurer of his predecessor, or as discharging the present Treasurer from any liability he may have incurred in receiving said claims in the place of money.

On motion of Mr. Brazee, the Senate resolved itself into committee of the whole on the orders of the day—Mr. Kirk in the Chair.

After some time spent therein, the committee rose and the chairman reported back

S. B. No. 173; For the appointment of three Joint Investigating committees, defining their powers, and prescribing their duties, with sundry amendments.

Mr. Brazee moved to adopt the amendments,

And the question being on agreeing to the amendments,

Mr. Kelley moved a division of the question,

And it turned on adopting the first amendment, viz: to fill the first blank in the first section with the name of Robert W. Taylor; it was agreed to.

The question being on the second amendment, viz: to fill the first blank in the second section with the name of Cornelius S. Hamilton, it was agreed to.

The question then being on agreeing to the third amendment, viz: to fill the *first* blank of the *third* section with the name of Oliver P. Brown,

Mr. Matthews demanded the yeas and nays, which were ordered and resulted, yeas 23, nays 3.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—23.

Those who voted in the negative were—

Messrs. Converse, Matthews, and Phelps—3.

So the amendment was adopted by the Senate.

The question then being on agreeing to the fourth amendment, it was adopted.

The bill was then ordered to be engrossed at the Clerk's desk; and,

On motion of Mr. Brazee, the constitutional rule was suspended, and the bill was read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 20, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Gardner, Griswold, Hardy, Hawley, Heaton, Hyer, Kelley, Lawder, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga and Warfel—20.

Those who voted in the negative, were—

Messrs. Converse, Matthews, Phelps, and Willford—4.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Lawrence asked and obtained leave to record his vote on the third amendment proposed in committee of the whole to S. B. No. 173 and also on the passage of the said bill ; and thereupon voted in the negative on both questions.

Mr. Holmes asked and obtained leave to record his vote on the same questions ; and thereupon voted in the negative on both questions.

Mr. Spencer, from the committee on Public Works and Public Lands, reported back Senate resolution instructing the Board of Public Works to examine into the condition of the National Road, with an amendment, and recommended the adoption of the resolution with the amendment.

And the question being on agreeing to the amendment, it was adopted.

The question then being on agreeing to the resolution as amended, it was adopted as follows :

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be, and the same is hereby instructed to proceed, without delay, along the entire line of the National Road and carefully examine the present condition of the same, and also to examine the several semi-annual reports of the Commissioners of the counties through which said road passes, and if, from such examination, the said Board of Public Works shall find that said road is not now, and has not been kept in as good repair by the present lessees as they were required to do by the act authorizing the Board of Public Works to lease the National Road to the highest responsible bidder, passed May 1, 1854, then the said Board of Public Works shall give written notice to said lessees, requiring them within six months thereafter to have the said road put in good repair as contemplated by said act, and if, at the expiration of said time, the said Board of Public Works shall, upon like examination as herein contemplated, find that said road has not been placed in such repair as required, then they shall immediately take legal measures for the recovery of the possession of said road, and upon obtaining said possession they shall manage and conduct the same in all respects as though said lease had never been made, and shall institute the necessary legal proceedings for the recovery from such lessees of any damages which may have accrued in consequence of any violation of the contract of such lessees while such road was in their possession.

Mr. Spencer, from the committee on Public Works and Public Lands, reported back the report of the Commissioners of Belmont county on the condition of the National Road ; also, the report of the Board of Public Works on the condition of the National Road, and asked that said reports be laid upon the table,

Which was agreed to by the Senate.

Mr. Brown, from the Judiciary committee, reported back H. B. No. 27 without amendment, and without recommendation.

On motion of Mr. Bundy, the bill was referred to Messrs. Bundy and Brown as a select committee of two.

Mr. Hamilton, from the committee on Public Printing, reported back H. B. No. 176, and recommended that it be indefinitely postponed,

Which was agreed to by the Senate.

Mr. Hawley, from the joint committee on Enrollment, submitted the following report :

The joint Enrolling committee report that the following bills and joint resolutions are correctly enrolled :

S. B. No. 2 ; To attach a part of Ballville township, in Sandusky county, to the township of Sandusky, in said county.

S. B. No. 29 ; To enable mutual insurance companies to become joint stock companies.

S. B. No. 31 ; To regulate and limit the compensation of certain county officers.

S. B. No. 53 ; Providing for recording, printing, and distributing Journals of the General Assembly, and the Laws and Public Documents.

S. B. No. 84 ; To provide for registration of births, marriages, and deaths in Ohio.

S. B. No. 78 ; To amend the act to regulate the fees of officers in civil and criminal cases.

S. B. No. 94 ; To amend the act to provide for the organization of cities and incorporated villages, passed May 3d, 1852.

S. B. No. 106 ; Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 15th, 1852.

S. B. No. 134 ; To amend the act entitled an act to provide for the organization of cities and incorporated villages, and the act amendatory thereto, passed March 11th, 1853.

S. B. No. 135 ; To fix the times for holding the terms of the court of common pleas in the county of Cuyahoga.

S. B. No. 156 ; Authorizing the board of public works to take charge of the slackwater from the head of Trenton feeder to Urichsville, in Tuscarawas county.

S. B. No. 160 ; To authorize the holding of a special term of a district court in Mahoning county.

S. B. No. 161 ; To authorize the trustees of Civil township of Salem, Auglaize county, Ohio, to petition for the sale of section 16, town 4, south, range 4, east.

S. B. No. 165 ; Authorizing the commissioners of Clermont county to sell or exchange the infirmary farm of said county.

S. J. R. No. 13 ; Relative to confirming the contract of the canal fund commissioners, with the Columbus Insurance Company.

S. J. R. No. 12 ; Relative to the removals of obstructions at the Falls of the Ohio river by Congress.

S. B. No. 125 ; For the relief of the stockholders and creditors of the Sandusky, Mansfield and Newark Railroad Company.

S. B. No. 126 ; Supplementary to the act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

S. B. No. 133 ; To authorize the commissioners of Hamilton county to aid in the construction of a bridge across the White Water River, near the village of Harrison, in said county.

Mr. Hardy, from the joint committee on Enrollment, submitted the following report :

The joint standing committee on Enrollment report that they have examined, and found correctly enrolled, the following bills, viz :

H. B. No. 89 ; Supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

H. B. No. 109 ; Further defining the duties of County Treasurers.

H. B. No. 12 ; To regulate insurance companies not incorporated by the State of Ohio.

H. B. No. 170 ; For the relief of certain turnpike and plankroad companies.

H. B. No. 64 ; Authorizing the sale of property for charges in certain cases.

H. B. No. 139 ; To provide for the regulation and management of the institutions of the blind and of the deaf and dumb.

The President of the Senate, as required by the constitution, then signed the following enrolled Senate bill.

S. B. No. 2 ; To attach a part of Ballville township, in Sandusky county, to the township of Sandusky in said county.

Mr. Kelley moved to take from the table

S. B. No. 171 ; Prescribing and limiting the rates of taxation,

Which was agreed to by the Senate.

Mr. Kelley moved to amend the bill by adding the following as section 2.

Sec. 2. The operation of the fifty-eighth section of the act of May 4, 1853, to provide for the reorganization, supervision, and maintenance of Common Schools, so far as it relates to the assessment and collection of taxes for the purpose of furnishing and increasing school libraries and apparatus, is hereby suspended for one year from and after the passage of this act.

And the question being on agreeing to the amendment,

The yeas and nays were ordered and resulted—yeas 15, nays 14.

Those who voted in the affirmative, were—

Messrs. Beatty, Brand, Brazee, Brown, Buckland, Gardner, Griswold, Hamilton, Hawley, Kelley, Lewis, Musgrave, Rush, Taylor of Geauga and Taylor of Mahoning—15.

Those who voted in the negative, were—

Messrs. Baird, Canfield, Converse, Hardy, Heaton, Holmes, Lawder, Lawrence, Marsh, Matthews, Phelps, Spencer, Warfel and Willford—14.

So the amendment was adopted.

On motion the bill was then laid upon the table.

Mr. Spencer moved to take from the table House bill No. 162,

Which was agreed to.

The bill was then referred to Mr. Spencer as a special committee of one.

The Senate then adjourned.

Attest:

W. T. BASCOM, Clerk.

TUESDAY, APRIL 8, 1856.

Prayer by the Rev. Mr. Lawder.

Mr. Musgrave presented the proceedings and resolutions of a Teachers' Institute held at Lexington, in the last week of March, 1856, remonstrating against any essential modification of the present school law,

Which was laid on the table,

Mr. Buckland, from the Finance committee, reported back S. B. No. 163, with one amendment,

Which was agreed to by the Senate,

And the bill committed to the committee of the whole.

Mr. Musgrave, from the committee on Claims, reported back the memorial of W. Magune. Also, the memorial of Nathan P. Birdwye,

Which were severally postponed to the first Monday of January next.

Also, the same committee reported back the petition of Woolsey Wells, and the papers connected therewith,

Which were laid on the table.

Mr. Heaton, from the committee on Benevolent Institutions, submitted, and read, a report in answer to Senate resolution instructing said committee to inquire and report the use that had been made of the 177 gallons of brandy, 284 gallons of wine, 84 gallons of whisky, and 43½ gallons of alcohol, amounting in value to \$1,139 19, furnished to the Lunatic Asylum at Columbus, during the months of May and November, 1854.

On motion of Mr. Heaton, the report and accompanying documents, were laid upon the table.

Mr. Marsh moved that the report be printed.

And the question being on agreeing to print,

On motion of Mr. Griswold, the motion to print was laid on the table.

Mr. Spencer, special committee of one, reported back

H. B. No. 162; Supplementary to an act to prescribe the times for holding the courts of common pleas in the 3d sub-division of the 5th judicial district, passed Feb. 8, 1856, with sundry amendments,

Which were agreed to by the Senate.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 30, nays none.

/ Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Canfield, Converse, Gardner, Griswold, Hamilton, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—30.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Buckland, from a special committee, reported back H. B. No. 185, with sundry amendments,

Which were adopted by the Senate.

And the question being on the passage of the bill, the yeas and nays were ordered, and were—yeas 28, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Buckland, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hawley, Heaton, Kelley, Kirk, Lawrence, Lewis, Lunt, Matthews, Musgrave Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—28.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the committee on Public Works and Public Lands, reported back

H. B. No. 169 ; Making appropriations for the construction, repairs, superintendence, and expenses on the Public Works of Ohio, for the year 1856, with one amendment,

Which was agreed to by the Senate.

The bill was then read the third time,

And the question being on its passage, the yeas and nays were ordered, and resulted—yeas 26, nays 3.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Lawder, Lewis, Lunt, Matthews, Musgrave, Phelps, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—26.

Those who voted in the negative were—

Messrs. Converse, Holmes and Lawrence—3.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Matthews, on behalf of himself and four other Senators, asked to have placed upon the Journals of the Senate the following protest :

The undersigned, members of the Senate, respectfully, but earnestly beg leave to protest against the vote of the Senate upon the amendment to Senate Bill No. 173, for the appointment of three joint investigating committees, defining their powers and prescribing their duties, by which O. P. Brown, Senator from Portage county, was designated as one of the Joint Committee appointed for the purpose of investigating the affairs of the New State House, the Penitentiary, and the Public Benevolent Institutions

The reason and ground upon which we protest against this appointment is, that Mr. O. P. Brown has frequently, during the present session, in his place upon the floor of the Senate, taken occasion to express, in the most deliberate, decided, and emphatic terms, his settled conviction and opinion, that some of the persons having the management of the affairs of the above named institutions, have been and are guilty of personal corruption in the administration of the trusts confided to them. This belief he has expressed, in the most vehement and intemperate accusations and denunciations, without any investigation on his own part, and without any opportunity of explanation or defence on the part of those he has seen fit so strongly to condemn. We regard this expression of opinion as rendering him entirely unfit to try fairly and impartially the conduct of those whom he has confessedly pre-

judged and condemned without investigation or trial. An inquiry conducted by a person so strongly committed to an adverse decision, can be nothing but a solemn mockery of justice. We protest against it as a gross outrage upon the sacred rights of private character and the high interests of public justice.

E. M. PHELPS,
WM. LAWRENCE,
STANLEY MATTHEWS,
WM. F. CONVERSE,
GEO. W. HOLMES.

Mr. Bundy, special committee, reported back

H. B. No. 97 ; To amend an act entitled an act defining the jurisdiction, and regulating the practice of probate courts, passed March 14, 1853.

With one amendment, which was agreed to by the Senate.

The bill was then ordered to be engrossed at the clerk's desk, and read the third time.

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 24, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Bundy, Burnett, Canfield, Converse, Griswold, Hamilton, Hardy, Hawley, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—24.

Those who voted in the negative were—

Messrs. Matthews and Spencer—2.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the committee on Public Works and Public Lands, reported back

H. J. R. ; Relative to closing up waste weirs in the berme bank of the Ohio canal in Tuscarawas county,

With the recommendation that it be passed.

And the question being on agreeing to the resolution, it was adopted as follows :

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be instructed to close up the two waste wiers in the berme bank of the Ohio canal, and near the town of Dover in Tuscarawas county ; Provided that said wiers can, in the opinion of said Board of Public Works, be closed up with safety to the canal, at an expense to the State not exceeding five hundred dollars.

On motion of Mr. Kelley, the report of the committee of Finance on the condition of the State Treasury, with accompanying documents, was sent to the House temporarily.

Mr. Rush, from the committee on Public Buildings, reported back

H. J. R. ; Relative to finishing and appropriating a room in the new State House for the Attorney General,

And recommended its passage.

And the question being on the passage of the resolution, it was adopted as follows :

Resolved, by the General Assembly of the State of Ohio, That the State House Commissioners be instructed to finish off the northeast corner room in the north wing of the new State House for an office for the Attorney General, and the same be done under and in accordance with the provisions of the "act to provide for the prosecution of the work on the new State House, prescribing the order in which it shall be done, and making appropriations therefor," passed at the present session.

H. B. No. 147 ; To amend the sixth section of an act to encourage the killing of wolves, passed April 26, 1852.

Was read the second time.

On motion, the constitutional rule was suspended, and the bill read the third time,

And the question being on the passage of the bill, the yeas and nays were ordered, and resulted—yeas 24, nays 1.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Burnett, Canfield, Converse, Gardner, Griswold, Heaton, Holmes, Kelley, Kirk, Lawder, Lewis, Lunt, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—24.

Mr. Matthews voted in the negative,

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Taylor of Mahoning,

H. B. No. 181 ; To authorize banking companies to hold real estate,

Was taken from the committee of the whole, and referred to Mr. Taylor of Mahoning, as a select committee of one,

Thereupon Mr. Taylor of Mahoning reported back said bill with one amendment ; which was agreed to by the Senate, and the bill ordered engrossed at the clerk's desk, and read the third time,

And the question being on the passage of the bill,

The yeas and nays were ordered, and resulted—yeas 24, nays 1.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lunt, Matthews, Musgrave, Rush, Spencer, Taylor of Mahoning, Warfel, and Willford—24.

Mr. Converse voted in the negative.

So the bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Lunt,

S. B. No. 107 ; To provide for the appointment of special constables for Agricultural Fairs and Fair Grounds,

Was taken from the table and read the third time,

Tuesday, April 8, 1856.

And the question being on the passage of the bill,

The yeas and nays were ordered, and resulted—yeas 25, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Matthews, Musgrave, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—25.

Those who voted in the negative were—

Messrs. Converse and Holmes—2.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 166 ; To amend a certain act therein named, without amendment.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills and joint resolutions, in the presence of the House, when in session :

S. B. No. 78 ; To amend the act to regulate the fees of officers in civil and criminal cases.

S. B. No. 84 ; To provide for registration of births, marriages, and deaths in Ohio.

S. B. No. 99 ; To amend the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

S. B. No. 106 ; Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1st, 1852.

S. J. R. No. 12 ; Relative to the removal of obstructions at the Falls of the Ohio river, by Congress.

S. J. R. No. 13 ; Relative to confirming the contract of the canal fund commissioners, with the Columbus Insurance Company.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills and joint resolutions.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills, in the presence of the House :

H. B. No. 64 ; Authorizing the sale of property for charges in certain cases.

H. B. No. 109 ; Further defining the duties of County Treasurers.

H. B. No. 170 ; For the relief of certain turnpike and plankroad companies.

H. B. No. 12 ; To regulate insurance companies not incorporated by the State of Ohio.

H. B. No. 59 ; Supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

S. B. No. 165 ; Authorizing the commissioners of Clermont county to sell or exchange the infirmary farm of said county.

S. B. No. 161 ; To authorize the trustees of civil township of Salem, Auglaize county, Ohio, to petition for the sale of section 16, township 4, south, range 4, east.

S. B. No. 160 ; To authorize the holding of a special term of a district court in Mahoning county.

S. B. No. 31 ; To regulate and limit the compensation of certain county officers.

S. B. No. 53 ; Providing for recording, printing, and distributing the Journals of the General Assembly, and the Laws and Public Documents.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills in accordance with the provision of the constitution of the State of Ohio :

S. B. No. 29 ; To enable mutual insurance companies to become joint stock companies.

S. B. No. 125 ; For the relief of the stockholders and creditors of the Sandusky, Mansfield and Newark Railroad Company.

S. B. No. 126 ; Supplementary to the act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

S. B. No. 133 ; To authorize the commissioners of Hamilton county to aid in the construction of a bridge across the White Water river near the village of Harrison, in said county.

S. B. No. 134 ; To amend the act entitled an act to provide for the organization of cities and incorporated villages, and the act amendatory thereto, passed March 11th, 1853.

S. B. No. 135 ; To fix the times for holding the terms of the court of common pleas in the county of Cuyahoga.

S. B. No. 136 ; Authorizing the board of public works to take charge of the slack water from the head of Trenton feeder to Urichsville, in Tuscarawas county.

H. B. No. 139 ; To provide for the regulation and management of the institutions of the blind and of the deaf and dumb.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills.

Message from the House of Representatives.**Mr. President :**

The House has reconsidered its vote by which it disagreed to the report of the committee of Conference on H. B. No. 77, and have adopted the report of said committee.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.**Mr. President :**

The Speaker of the House has appointed Messrs. Parsons, Peck, and Smith of Franklin a committee of Conference on the matter of difference on S. B. No. 123.

The House has disagreed to the report of the joint committee of Conference on S. B. No. 77, and ask for another committee of Conference.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.**Mr. President :**

The House has passed the following bill with amendments herewith enclosed :

S. B. No. 158 ; To authorize the County Commissioners of Hamilton county to sell certain real estate in said county.

Attest :

JAS. S. ROBINSON, Clerk.

The question being on agreeing to the House amendments to the foregoing S. B. No. 158, the yeas and nays were ordered, and were—yeas 24, nays 2.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Bundy, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Holmes, Kelley, Kirk, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, Warfel and Willford—24.

Those who voted in the negative were—

Messrs. Brown and Burnett—2.

Message from the House of Representatives.**Mr. President :**

The House has passed the following bills :

S. B. No. 91 : Relating to common schools.

S. B. No. 44 ; To amend an act entitled "an act to provide for the maintenance and better regulation of common schools in the city of Cincinnati," passed January 27, 1853, and April 18, 1854.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Griswold, House joint resolutions relative to Kansas affairs, were taken from the table,

And the question being on their adoption, the yeas and nays were demanded, ordered, and resulted—yeas 23, nays 8.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Kelley, Kirk, Lewis, Lunt, Marsh, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—23.

Those who voted in the negative were—

Messrs Brazee, Converse, Holmes, Lawrence, Matthews, Phelps, Spencer, and Willford—8.

So the resolutions were adopted.

(See Appendix to House Journal.)

Mr. Hamilton offered for adoption the following resolution :

Resolved, That the office of Reporter for the Senate be and the same is hereby abolished, from and after the close of the present session of the General Assembly.

And question being on agreeing to the resolution,

Mr. Brand moved to lay it on the table,

Upon which motion the yeas and nays were demanded, ordered, and resulted—yeas 15, nays 15.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Converse, Griswold, Holmes, Kirk, Lawrence, Marsh, Matthews, Phelps, Rush Taylor of Mahoning, and Willford—15.

Those who voted in the negative were—

Messrs. Baird, Buckland, Bundy, Burnett, Gardner Hamilton, Hardy, Hawley, Kelley, Lewis, Lunt, Musgrave, Spencer, Taylor of Geauga, and Warfel—15.

The President announced the vote to be yeas 15, nays 15—and that the Senate being equally divided, he would cast his vote in the affirmative.

So the resolution was laid upon the table.

On motion of Mr. Beatty, the Senate went into Executive session, to consider appointments sent in by the Governor.

A communication from the Governor was then read, announcing the appointment of John A. Foot, of Cuyahoga county; Charles Reemelin, of Hamilton county; and James D. Ladd, of Jefferson county, to be Commissioners under the act entitled “an act to provide for the establishment of the Ohio Reform School.”

And the question being upon advising and consenting to the appointment of John A. Foot to be Commissioner as aforesaid, the yeas and nays were ordered, and resulted—yeas 32, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—32.

So the Senate advised and consented to the appointment.

The question then being on advising and consenting to the appointment of Charles Reemelin to be Commissioner as aforesaid, the yeas and nays were ordered, and resulted—yeas 31, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—31.

Mr. Heaton voted in the negative.

So the Senate advised and consented to the appointment.

The question then being on advising and consenting to the appointment of James D. Ladd to be Commissioner as aforesaid, the yeas and nays were ordered, and resulted—yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Burnett, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—31.

So the Senate advised and consented to the appointment of James D. Ladd to be Commissioner as aforesaid.

The business of the Executive session having been concluded, the session closed.

Mr. Kirk moved to take from the table the resolution to abolish the office of Senate Reporter,

Which was agreed to.

And the question being on the adoption of the resolution,

Mr. Brand moved the adoption of the following, as a substitute for the resolution :

Resolved, That the Reporter of the Senate receive propositions from the publishers of newspapers in the city of Columbus, during the recess of the Legislature, for publishing the reports of the proceedings of the Senate, and also of the House of Representatives, and report the several propositions made to him to the Senate on the 1st Monday in January next.

And the question being on agreeing to the substitute,

Mr. Bundy moved to lay it on the table,

Which was agreed to by the Senate.

The question then being on the adoption of the original resolution,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on the adoption of the resolution abolishing the office of Senate Reporter,

Mr. Kirk moved to lay the resolution on the table,

Which motion was lost.

The question recurring on the adoption of the resolution, the yeas and nays were demanded, ordered, and were—yeas 18, nays 10.

Those who voted in the affirmative were—

Messrs. Baird, Braze, Buckland, Bundy, Burnett, Canfield, Gardner, Hamilton, Hardy, Hawley, Hyer, Kelley, Lewis, Lunt, Musgrave, Spencer, Taylor of Geauga, and Warfel—18.

Those who voted in the negative were—

Messrs. Brand, Converse, Griswold, Heaton, Lawder, Lawrence, Matthews, Phelps, Taylor of Mahoning, and Willford—10.

So the resolution was adopted, as follows:

Resolved, That the office of Reporter for the Senate be and the same is hereby abolished, from and after the close of the present session of the General Assembly.

On motion, S. B. No. 153 was taken from the table and referred to Mr. Heaton as a select committee of one.

Mr. Heaton, from the committee on Benevolent Institutions, reported back the claim of Charles Cist for services and traveling expenses as Trustee of the two new Lunatic Asylums, amounting to \$358 40, with the recommendation that the same be paid.

And the question being on agreeing to the report, the yeas and nays were demanded, ordered, and resulted—yeas 19, nays 8.

Those who voted in the affirmative were—

Messrs. Baird, Braze, Buckland, Bundy, Converse, Griswold, Hamilton, Hardy, Heaton, Hyer, Kelley, Kirk, Lunt, Matthews, Musgrave, Phelps, Spencer, Taylor of Mahoning, and Willford—19.

Those who voted in the negative were—

Messrs. Brand, Brown, Burnett, Canfield, Gardner, Hawley, Lawder, and Warfel—8.

So the report was agreed to.

Mr. Taylor of Geauga, offered for adoption the following resolution:

Resolved, by the Senate and House of Representatives, That the Secretary of State furnish the clerk of common pleas of Geauga county with Nos. 9, 10, 12, 17, and 19, of the Ohio State Reports, if he have them, or such of them as he may have, for the use of said county.

And the question being on agreeing to the resolution, it was adopted.

On motion of Mr. Kelley, S. B. No. 171 was taken from the table.

And the question being on the engrossment of the bill,

Mr. Taylor of Geauga, moved to amend the levy for common school purposes, so that it will be "one and one-fourth" mills, instead of "one" mill.

And the question being on agreeing to the amendment,

Mr. Canfield moved to amend the amendment by inserting "one and one-half," instead of "one and one-fourth."

And the question being on the amendment to the amendment, the yeas and nays were demanded, ordered, and resulted—yeas 19, nays 12.

Those who voted in the affirmative were—

Messrs. Baird, Buckland, Canfield, Cattell, Converse, Gardner, Hamilton, Hardy, Heaton, Kirk, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Warfel and Willford—19.

Those who voted in the negative were—

Messrs. Brand, Brazee, Brown, Bundy, Burnett, Griswold, Hawley, Hyer, Kelley, Lunt, Taylor of Geauga, and Taylor of Mahoning—12.

So the amendment to the amendment was adopted.

The question then being on the amendment as amended, the yeas and nays were demanded, and resulted—yeas 21, nays 10.

Those who voted in the affirmative, were—

Messrs. Baird, Buckland, Bundy, Canfield, Cattell, Converse, Gardner, Hamilton, Hardy Hawley, Heaton, Kirk, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Warfel, and Willford—21.

Those who voted in the negative were—

Messrs. Brand, Brazee, Brown, Burnett, Griswold, Hyer, Kelley, Lunt, Taylor of Geauga, and Taylor of Mahoning—10

So the amendment, as amended, was adopted.

The question recurring on the engrossment of the bill,

Mr. Canfield moved to amend the second section, by adding the following proviso, viz :

Provided, That there shall be levied for the current fiscal year, for school library purposes, one-twentieth of one mill on the dollar valuation of the property on the grand list.

And the question being on agreeing to the amendment, the yeas and nays were demanded, ordered, and resulted—yeas 14, nays 18.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Canfield, Cattell, Converse, Gardner, Hardy, Heaton, Lawrence, Marsh, Matthews, Phelps, Spencer, and Willford—14.

Those who voted in the negative were—

Messrs. Brazee, Brown, Buckland, Bundy, Burnett, Griswold, Hamilton, Hawley, Hyer, Kelley, Lawder, Lewis, Lunt, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning, and Warfel—18.

So the amendment was disagreed to.

The question again recurring on the engrossment of the bill,

Mr. Canfield moved to amend the bill by striking out the 8th clause of the first section, providing for the amount of taxation for building school houses, &c.

And the question being on striking out,

Mr. Griswold moved to amend the clause proposed to be stricken out by adding to the same as follows : " except to comply with contracts for repairing or building school houses, already made."

And the question being on agreeing to the amendment, it was adopted.

The question recurring on striking out the 8th clause of the 1st section, the yeas and nays were demanded, ordered, and resulted—yeas 17, nays 15.

Those who voted in the affirmative, were—

Messrs. Baird, Buckland, Bundy, Canfield, Cattell, Converse, Gardner, Hamilton, Hardy, Heaton, Lawrence, Marsh, Matthews, Phelps, Spencer, Warfel, and Willford—17.

Those who voted in the negative were—

Messrs. Brand, Brazee, Brown, Burnett, Griswold, Hawley, Hyer, Kelley, Kirk, Lawder, Lunt, Musgrave, Rush, Taylor of Geauga, and Taylor of Mahoning—16.

So the 8th clause of the 1st section was stricken out.

The question again recurring on the engrossment of the bill,

Mr. Brown moved to amend the bill by adding the following as section 3 :

Sec. 3. That there shall be levied for school purposes, on the grand list of taxable property in the State, for the State school fund; one mill on the dollar valuation as aforesaid, and the amount so levied shall be annually distributed to the several counties in the State in proportion to the enumeration of scholars, and it shall be lawful for the inhabitants of local districts to vote annually an additional tax of one-half mill on the dollar for the same purpose upon the real and personal property in the district, when in the opinion of a majority of such inhabitants such additional tax may be necessary. Sec. 109 of the act passed May 1st, 1854, entitled an act to amend an act entitled an act to provide for the organization, supervision and maintenance of common schools, passed March 14, 1853, be and the same is hereby repeated.

And the question being on the adoption of the amendment.

The Senate then took a recess till half past seven this evening.

HALF PAST SEVEN O'CLOCK P. M.

The question being on the adoption of the amendment to be added to the bill as section 3,

Mr. Kelley offered the following substitute for the amendment, viz :

For school purposes one mill and one-fourth of a mill; and the trustees of any township or other competent authorities of any school district or sub-district may levy on the taxable property of such district or sub-district any rate of tax not exceeding three-fourths of a mill on the dollar; and also for the purpose of building, or paying for building, school houses in such district, any rate not exceeding three mills on the dollar; provided that not more than one mill on the dollar shall be levied for more than three years in any period of ten years.

And the question being on agreeing to the substitute,

On leave of the Senate, Mr. Brown withdrew his amendment.

The question then being on the adoption of the substitute, the yeas and nays were demanded, ordered, and resulted—yeas 12; nays 20.

Those who voted in the affirmative were—

Messrs. Brand, Brazee, Brown, Bundy, Burnett, Griswo'd, Hyer, Kelley, Kirk, Lawder, Taylor of Geauga, and Taylor of Mahoning—12.

Those who voted in the negative, were—

Messrs. Baird, Beatty, Buckland, Canfield, Converse, Gardner, Hamilton, Hardy, Hawley, Heaton, Holmes, Lawrence, Lunt, Marsh, Matthews, Musgrave, Phelps, Spencer, Warfel, and Willford—20.

So the substitute was disagreed to by the Senate.

The question again recurring on the engrossment of the bill,

Mr. Brazee moved to recommit the bill with instructions so to modify it that two mills only per annum shall be levied for building and repairing school houses, with further provision for taxing beyond that sum, to complete buildings now commenced or contracted for, and repealing the act of May 1, 1854, levying $1\frac{1}{2}$ mills for school purposes.

And the question being on recommitting with instructions, the yeas and nays were demanded, ordered, and resulted—yeas 11; nays 21.

Those who voted in the affirmative were—

Messrs. Brand, Brazee, Brown, Burnett, Griswold, Hawley, Kelley, Lawder, Musgrave, Taylor of Geauga, and Taylor of Mahoning—11.

Those who voted in the negative, were—

Messrs. Baird, Beatty, Buckland, Bundy, Canfield, Converse, Gardner, Hamilton, Hardy, Heaton, Holmes, Hyer, Kirk, Lawrence, Lunt, Marsh, Matthews, Phelps, Spencer, Warfel and Willford—21.

So the Senate refused to recommit the bill.

Mr. Taylor of Mahoning moved to strike out the fourth clause of the first section, providing for a levy of one mill for common school purposes,

Which was agreed to by the Senate.

The bill was then ordered to be engrossed at the clerk's desk, and was read the third time.

And the question being on the passage of the bill,

Mr. Kelley moved to amend by way of rider as follows: add the following as section 3, viz:

Sec. 3. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed. This act shall take effect on its passage.

And the question being on agreeing to the amendment, it was adopted.

The question then recurring on the passage of the bill, the yeas and nays were ordered and resulted—yeas 24; nays 7.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Musgrave, Taylor of Geauga, Taylor of Mahoning, and Warfel—24.

Those who voted in the negative were—

Messrs. Baird, Converse, Holmes, Lawrence, Matthews, Phelps, and Willford—7.

So the bill having received a constitutional majority was passed.

Ordered that the title be as follows:

“An act prescribing and limiting the rates of taxation.”

On motion of Mr. Lawrence it was unanimously

Resolved, That the thanks of the Senate are due and are hereby tendered to the Hon. Thomas H. Ford, for the dignity, courtesy, and ability with which he has presided over its deliberations during the present session.

Mr. Canfield offered for adoption the following preamble and resolution :

WHEREAS, in the judgment of this General Assembly the act of Congress, usually called the Fugitive Slave Act, approved Sept 18, 1850. is inconsistent with and unwarranted by the constitution of the United States, and is repugnant to the plainest principles of justice and humanity ; therefore,

Resolved, by the General Assembly of the State of Ohio, That our Representatives in Congress be requested and our Senators be instructed to use their best exertions to procure the repeal of said act at the earliest practicable time.

And the question being on agreeing to the preamble and resolutions,

A division of the question was demanded, and it turned on the adoption of the resolution.

Upon which question the yeas and nays were demanded, ordered, and resulted—yeas 24 ; nays 6.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Taylor of Geauga, Taylor of Mahoning, and Warfel—24.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence, Matthews, Phelps, and Willford—6.

So the resolution was adopted.

The question then being on agreeing to the preamble, the yeas and nays were demanded, ordered, and resulted—yeas 21 ; nays 8.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Buckland, Bundy, Burnett, Canfield, Gardner, Griswold, Hamilton, Hawley, Heaton, Hyer, Kirk, Lawder, Lunt, Marsh, Taylor of Mahoning, and Warfel—21.

Those who voted in negative were—

Messrs. Braze, Converse, Holmes, Kelley, Lawrence, Matthews, Phelps, and Willford—8.

So the preamble was adopted.

Mr. Heaton offered for adoption the following resolution :

Be it resolved, by the Senate and House of Representatives of the State of Ohio, That our Senators and Representatives in Congress are hereby requested to vote for, and aid in obtaining such changes in the naturalization laws of Congress as will create greater safe-guards in the naturalization of foreigners, thereby preventing numerous abuses of the elective franchise.

And the question being on agreeing to the resolution, the yeas and nays were demanded, ordered, and resulted—yeas 24 ; nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Taylor of Geauga, Taylor of Mahoning, and Warfel—24.

Those who voted in the negative, were—

Messrs. Converse, Holmes, Lawrence, Matthews, Phelps, and Willford—6.

So the resolution was adopted.

Tuesday, April 8, 1856.

On motion of Mr. Canfield, H. B. No. 98 was taken from the committee of the whole, and read the third time.

On motion of Mr. Taylor of Mahoning, it was

Resolved, That all business not finally disposed of before the adjournment of the General Assembly on the 9th instant, be postponed until the first Monday in January, 1857.

Mr. Taylor of Mahoning, from the Joint Committee of Conference on S. B. No. 123, submitted the following report :

The Joint Committee of Conference on the differences between the two Houses on the amendments to S. B. No. 123, have had the same under consideration, and recommend the following as a substitute for the first amendment made by the House to said bill, and that the second amendment (sec. 5) by the House, be agreed to.

Sec. 4. A petition in error, in the nature of a bill of review, may, on leave of the Supreme Court or any judge thereof, be filed in the Supreme Court to reverse or modify any decree in chancery that heretofore has been or that hereafter shall be rendered in any district court in this state, in which the title to real estate is in controversy, or the amount in controversy is not less than five hundred dollars; and the proceedings upon said petition in error shall in all respects be governed by the act of the General Assembly of the State of Ohio, passed February 24, 1849, entitled "an act to dispense with the necessity of copying the papers in bills of review, and for other purposes," and the act of March 18, 1851, entitled "an act to amend the act directing the mode of proceeding in chancery;" provided however, that the provisions of this section shall not extend to suits that shall have been commenced since the 1st day of July, A. D. 1853; and provided also, that said petition in error shall be filed within three years from the time of the rendition of said decree, so sought to be reversed or modified.

R. W. TAYLOR,
J. T. BRAZEE,
Senate Committee.

GEO. M. PARSONS,
JAS. H. SMITH,
E. D. PECK,
House Committee.

And the question being on agreeing to the report of the committee, it was adopted.

Mr. Phelps, from a select committee, submitted the following report :

The select committee who were instructed to inquire and report as to the expediency of establishing a Bureau of Statistics in the department of the Secretary of State of Ohio, report

That they recommend the postponement of the subject until the 1st Monday of January, 1857.

E. M. PHELPS,
R. W. TAYLOR,
STANLEY MATTHEWS,
Committee.

And the question being on agreeing to the report, it was adopted.

Mr. Marsh, from the joint committee to whom was referred the joint resolution in reference to the expediency of holding an adjourned session, submitted a report :

(See Appendix.)

On motion of Mr. Marsh, the report was laid upon the table and ordered to be printed.

Mr. Hawley, from the Joint Committee on Enrollment, submitted the following report :

The Joint Standing Committee on Enrollment report that they have examined and found correctly enrolled the following bills and joint resolutions, viz :

H. B. No. 152 ; To amend the act entitled an act for the opening and regulating roads and highways, passed January 27, 1853.

H. B. No. 156 ; Providing for the appointment of officers of the Ohio Penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working convicts.

H. B. No. 44 ; Supplementary to the act providing for the punishment of crime, passed March 7, 1835.

H. B. No. 127 ; To dispense with surveys of land when the land has been sold in different parcels for the non-payment of taxes, and to authorize a conveyance of the same without such surveys.

H. B. No. 168 ; To authorize seminaries of learning to change their name and become colleges.

H. J. R. ; Relative to indexing the journals.

Mr. Hawley, from the Joint Committee on Enrollment submitted the following report :

The Joint Standing Committee on Enrollment report that the following bills are correctly enrolled :

S. B. No. 77 ; Further to prescribe the duties of county commissioners.

S. B. No. 153 ; Supplementary to an act regulating railroad companies, passed Feb. 11, 1848, and repealing the eighth section thereof.

S. B. No. 65 ; To tax banks and banking companies incorporated under the act entitled "an act to incorporate the State Bank of Ohio and other banking companies," passed February 24, 1845.

S. B. No. 148 ; To provide for the prosecution of the work on the new State House, prescribing the order in which it shall be done, and making appropriations therefor

S. B. No. 155 ; To fix the times of holding the district court in the several counties composing the second common pleas district of the first circuit in Ohio.

S. B. No. 137 ; Defining the jurisdiction of justices of the peace and other officers of the city of Cleveland, and detaching a portion of said city from Brooklyn township.

S. B. No. 75 ; To amend the 5th section of the act entitled an act to provide for compensation to the owners of private property appropriated to the use of corporations, passed April 30, 1852.

S. B. No. 42 ; Prescribing the duties of Auditor and Treasurer of State relative to the receipt, safe keeping and disbursement of public moneys, and accounting therefor.

S. B. No. 136 ; To provide for the payment of the Public Debt of the State due January 1, 1857, and for the payment of the interest on the Public Debt.

S. B. No. 44 ; To amend an act entitled an act to amend the act to provide for the maintenance and better regulation of Common Schools in the city of Cincinnati, passed January 27, 1853, April 18, 1854.

S. B. No. 63 ; Supplementary to an act entitled an act prescribing the duties of Supervisors and relating to Roads and Highways, passed February 15, 1853.

S. B. No. 166 ; To amend a certain act therein named.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bill, in the presence of the House, in compliance with the provision of the constitution :

S. B. No. 9 ; Concerning the enacting and repealing of statutes.

Attest :

J. S. ROBINSON, Clerk.

The foregoing bill was then signed by the President of the Senate as required by the constitution.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills, in compliance with the provisions of the constitution :

H. B. No. 44 ; Supplementary to the act providing for the punishment of crimes, passed March 7, 1835.

H. B. No. 127 ; To dispense with surveys of land when the same has been sold in different parcels for the non-payment of taxes, and to authorize a conveyance of the same without such surveys.

H. B. No. 168 ; To authorize Seminaries of learning to change their names and become Colleges.

S. B. No. 63 ; Supplementary to an act entitled an act prescribing the duties of Supervisors and relating to Roads and Highways, passed February 15, 1853.

S. B. No. 166 ; To amend a certain act therein named.

S. B. No. 44 ; To amend an act entitled "an act to amend the act to provide for the maintenance and better regulation of Common Schools in the city of Cincinnati," passed January 27, 1853, April 18, 1854.

S. B. No. 136 ; To provide for the payment of the Public Debt of the State due January 1, 1857, and for the payment of the interest on the Public Debt.

S. B. No. 42 ; Prescribing the duties of the Auditor and Treasurer of State relative to the receipt, safe keeping and disbursement of public moneys, and accounting therefor.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing bills.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills in compliance with the provisions of the constitution :

S. B. No. 75 ; To amend the 5th section of the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852.

S. B. No. 137 ; Defining the jurisdiction of justices of the peace and other officers of the city of Cleveland, and detaching a portion of said city from Brooklyn township.

S. B. No. 155 ; To fix the times of holding the district court in the several counties composing the second common pleas district of the first circuit in Ohio.

S. B. No. 148 ; To provide for the prosecution of the work on the new state house prescribing the order in which it shall be done, and making appropriations therefor.

S. B. No. 77 ; Further to prescribe the duties of county commissioners.

Attest :

JAMES S. ROBINSON, Clerk.

The President then signed, as required by the constitution, the foregoing bills.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills in compliance with the provisions of the constitution :

H. B. No. 152 ; To amend an act entitled "an act for opening and regulating Roads and Highways," passed January 27, 1853.

H. B. No. 156 ; Providing for the appointment of officers of the Ohio Penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working convicts.

S. B. No. 65 ; To tax banks and banking companies incorporated under the act entitled "an act to incorporate the State Bank of Ohio, and other Banking Companies," passed February 24, 1845.

S. B. No. 153 ; Supplementary to an act "regulating Railroad Companies," passed February 11, 1848, and repealing the 8th section thereof.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing bills.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 172, with amendments herewith-enclosed.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Kelley, the House amendments to the foregoing S. B. No. 172, were referred to the committee of Finance.

Mr. Brand offered for adoption the following resolution :

Resolved. That the thanks of this Senate are hereby tendered to the Hon. Lester Taylor and the Hon. William Lawrence, for the able, courteous and impartial

manner in which they have discharged their duties respectively as President pro tem. of the Senate.

And the question being on agreeing to the resolution,

A division of the question was demanded, and it turned on agreeing to the resolution with the name of Hon. Lester included, which was unanimously agreed to by the Senate.

The question then being on the adoption of the resolution with the name of Hon. William Lawrence included,

Mr Matthews demanded the yeas and nays, which were ordered, and resulted—yeas 28, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—28.

Mr. Brown voted in the negative—1.

So the resolution with the name of Hon. William Lawrence included was adopted.

On motion of Mr. Brazee the Senate went into executive session to consider nominations sent in by the Governor.

The President read a communication from the Governor announcing the appointment of Thomas J. Graham to be Inspector at Portsmouth.

And the question being on advising and consenting to the appointment, the yeas and nays were ordered and resulted—yeas 26, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Mahoning and Warfel—26.

So the Senate advised and consented to the appointment.

The President then read a communication from the Governor announcing the appointment of William A. Platt to be Acting Commissioner, and James T. Worthington and Lammon G. Harkness to be Advisory Commissioners of the new state house, under the act passed April 8, 1856, for the prosecution of the work on said building.

And the question being on advising and consenting to the appointment of William A. Platt to be Acting Commissioner of the new state house, the yeas and nays were ordered and resulted—yeas 25, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lunt, Marsh, Musgrave, Taylor of Geauga, Taylor of Mahoning and Warfel—25.

Those who voted in the negative were—

Messrs. Converse, Lawrence, Matthews and Phelps—4.

So the Senate advised and consented to the appointment.

The question then being on advising and consenting to the appointment of James T. Worthington to be Advisory Commissioner of the new state house, the yeas and nays were ordered and resulted—yeas 24, nays 5.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Marsh, Musgrave, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence, Matthews and Phelps—5.

So the Senate advised and consented to the appointment.

The question then being on advising and consenting to the appointment of Lammon G. Harkness to be Advisory Commissioner of the new state house, the yeas and nays were ordered and resulted—yeas 23, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lunt, Marsh, Taylor of Geauga, Taylor of Mahoning and Warfel—23.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence, Matthews, Phelps and Willford—6.

So the Senate advised and consented to the appointment.

The President then read a communication from the Governor announcing the appointment of J. H. Seymour, John F. Morse, Lucien Swift, Luther D. Griswold, Philo S. Ruggles and Joseph Perkins, to be directors of the Northern Ohio lunatic asylum.

The question being on advising and consenting to the appointment of J. H. Seymour to be director of the Northern lunatic asylum, the yeas and nays were ordered and resulted—yeas 24, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Musgrave, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence, Matthews, Phelps and Willford—6.

So the Senate advised and consented to the appointment.

The question then being on advising and consenting to the appointment of John F. Morse to be director of the Northern lunatic asylum, the yeas and nays were ordered and resulted—yeas 30, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Buckland, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawrence, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning and Warfel—30.

Mr. Willford voted in the negative.

So the Senate advised and consented to the appointment.

The question then being on agreeing to the appointment of Lucien Swift to be director of the Northern lunatic asylum, the yeas and nays were ordered and resulted—yeas 30, nays 1.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—30.

Mr. Beatty voted in the negative.

So the Senate advised and consented to the appointment.

Mr. Phelps moved that the Senate do advise and consent to the appointment of Luther D. Griswold, Philo S. Ruggles and Joseph Perkins, to be directors of the Northern Ohio lunatic asylum.

And the question being on advising and consenting to the appointment of Luther D. Griswold, Philo S. Ruggles and Joseph Perkins, the yeas and nays were ordered and resulted—yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lunt, Marsh, Matthews, Musgrave, Phelps, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—31.

So the Senate advised and consented to the appointment of Luther D. Griswold, Philo S. Ruggles and Joseph Perkins, to be Commissioners as aforesaid.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

WEDNESDAY, April 9, 1856.

Prayer by Rev. Mr. White.

Mr. Canfield, from the committee on Schools and School Lands, submitted the following report :

The standing committee on Schools and School Lands, to whom was referred the memorial of G. M. Hibbard, of Athens county, asking for such amendments to the school law as to enable School Boards to condemn school house sites, &c., ask to be discharged from further consideration of the subject, and recommend its indefinite postponement.

And the question being on agreeing to the report, it was adopted.

Also, the same committee reported back a large number of petitions for and remonstrances against amendments to the present school law, and asked that they be referred to the committee of the whole—which was agreed to by the Senate.

Mr. Brand, from the committee on Railroads and Turnpikes, reported back sundry petitions and memorials, and asked that they be laid on the table—which was agreed to by the Senate.

Mr. Lewis, from the committee on Temperance, reported back sundry petitions on the subject of temperance, and asked to be discharged from their further consideration—which was agreed to by the Senate.

Mr. Canfield, from the committee on Schools and School Lands, reported back S. B. No. 154, with the recommendation that it be passed.

Mr. Spencer moved to lay the bill on the table.

Upon which motion the yeas and nays were demanded, ordered, and resulted—yeas 16, nays 10.

Those who voted in the affirmative were—

Messrs. Bird, Beatty, Brand, Brazee, Canfield, Gardner, Griswold, Hamilton, Lawrence, Lewis, Lunt, Musgrave, Rush, Spencer, Taylor of Geauga and Warfel—16.

Those who voted in the negative were—

Messrs. Burnett, Converse, Hardy, Heaton, Holmes, Hyer, Kirk, Lawder, Marsh and Willford—10.

So the bill was ordered to lie upon the table.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill without amendment :

S. B. No. 40 ; To fix the rate of toll to be charged by the Wheeling and Cadis plank road company.

The House has also passed the following bill with amendments hereto attached :

S. B. No. 143; To protect investments of municipal corporations in the stock of railroad companies.

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to the House amendments to the foregoing Senate bill No. 143,

Mr. Brazee moved to refer the bill, with House amendments, to the committee on the Judiciary.

And the question being on the reference, it was agreed to by the Senate.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills :

S. B. No. 159; Supplementary to an act entitled an act to prevent nuisances, passed February 28, 1831.

S. B. No. 101 ; To punish the embezzlement and unlawful use of the public moneys.

S. B. No. 110; Authorizing the trustees of Mill Creek township, Hamilton county, to appropriate certain moneys, collected by special tax in said township.

S. B. No. 66, has been lost in the House upon its final passage.

Attest :

JAMES S. ROBINSON, Clerk.

Wednesday, April 9, 1856.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills :

H. B. No. 148 ; To confirm the sale of certain lands therein named.

S. B. No. 119 ; Authorizing the election of one additional judge of the court of common pleas in the county of Cuyahoga.

S. B. No. 138 ; Authorizing cemetery associations heretofore incorporated to avail themselves of the provision of an act entitled an act making provisions for the incorporation of cemetery associations, passed February 24, 1848.

S. B. No. 131 ; To authorize the repair of certain roads.

Attest :

J. S. ROBINSON, Clerk.

The foregoing House bill No. 148, was read the first time.

On motion of Mr. Marsh, the constitutional rule was suspended, and the bill was then read the second and third times.

And the question being on its passage, the yeas and nays were ordered and resulted—yeas 26, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Mahoning and Warfel—26.

So the bill having received a constitutional majority was passed.

Ordered that the title be as follows : "An act to confirm the sale of certain lands therein named."

Message from the House of Representatives.

Mr. President :

The House has disagreed to the report of the committee of conference on

S. B. No. 41; Prescribing the duties of the commissioners of the sinking fund.

The House has passed the following joint resolution—"Relative to preparing an abstract of the bill-book and forwarding to members."

The Speaker of the House has signed the following bill in the presence of the House :

H. B. No. 1; To restore to the court of common pleas the jurisdiction of minor offences in certain counties in this State.

Attest :

J. S. ROBINSON, Clerk.

Mr. Kelley moved that the Senate recede from its amendment to House amendment to S. B. No. 41, which was agreed to by the Senate.

Mr. Kelley then moved that the Senate agree to House amendment to Senate bill No. 41.

And the question being on agreeing to the amendment, the yeas and nays were ordered, and resulted—yeas 26, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brown, Bundy, Burnett, Canfield, Converse, Gardner, Hamilton, Hardy, Hawley, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Phelps, Spencer, Taylor of Mahoning and Warfel—26.

So the amendment was concurred in.

The President of the Senate then signed the foregoing enrolled House bill No. 1, as required by the constitution.

The question then being on adopting the H. J. R.; Relative to making an abstract of the bill-book to be sent to members.

Mr. Braze moved the adoption of the following substitute for the same—which motion was agreed to by the Senate :

Resolved by the General Assembly of the State of Ohio, That the chief clerks of the two branches of the General Assembly are hereby authorized and instructed to prepare, as soon as possible, after the close of the present session, a list of the bills pending at the time of adjournment, which shall show the condition of the bills, and that the Secretary of State cause the same to be printed, and a copy to be transmitted by mail to each member of the two Houses.

Mr. Hamilton offered for adoption the following resolution :

Resolved by the General Assembly of the State of Ohio, That the clerks of the Senate and House of Representatives shall receive each at the rate of four dollars a day for the time actually employed after the adjournment of the General Assembly, for making out indexes to the printed and recorded journals, and for reading the proof-sheets of the same, to be paid out of any money appropriated to defray the expenses of the General Assembly, on the order of the Auditor of State.

And the question being on agreeing to the resolution, the yeas and nays were ordered and resulted—yeas 26, nays none.

Those who voted in the affirmative were—

Messrs Baird, Beatty, Brand, Braze, Brown, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Heaton, Hyer, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, and Warfel—26.

So the resolution was adopted.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate amendments to

H. B. No. 153 ; Authorizing the State of Ohio to adopt as part of the Public Works, the Sandy and Beaver canal, which lies between Bolivar and Sandyville.

The House has agreed to Senate joint resolution relative to the examination of the National Road by the Board of Public Works.

The House has agreed to Senate amendments to House bill No. 162 and House bill No. 185.

The House has disagreed to Senate amendments to

H. B. No. 97; To amend an act entitled an act defining the jurisdiction and regulating the practice of probate courts, passed March 14, 1853.

Wednesday, April 9, 1856.

The House has agreed to Senate amendments to

H. B. No. 181, To authorize banks and banking companies to hold real estate.

Attest:

J. S. ROBINSON, Clerk.

On motion of Mr. Bundy, the Senate insisted on its amendments to House bill No. 97, and asked a committee of conference.

The President appointed Messrs. Bundy and Converse members of said committee on the part of the Senate.

Message from the House of Representatives.

Mr. President:

The House has passed the enclosed joint resolution "Relative to binding bills."

Attest:

JAMES S. ROBINSON, Clerk.

The question being on agreeing to the foregoing resolution, it was adopted, as follows:

Resolved by the General Assembly of the State of Ohio, That the State Librarian shall have bound up for future reference, two copies of the printed bills of the House and Senate of the present session.

Message from the House of Representatives.

Mr. President:

The House has agreed to the report of the committee of Conference on S. B. No. 123.

Attest:

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed S. B. No. 43 with amendments herewith inclosed.

Attest:

J. S. ROBINSON, Clerk.

The question being on agreeing to the House amendments to Senate bill No. 43, the yeas and nays were ordered and resulted—yeas 21, nays 5.

Those who voted in the affirmative were—

Messrs. Brand, Brown, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Phelps, Rush, Spencer and Willford—21.

Those who voted in the negative were—

Messrs. Converse, Lawrence, Matthews, Taylor of Geauga and Taylor of Mahoning—5.

So the amendments were concurred in.

On motion of Mr. Beatty, the Senate went into executive session, to consider appointments sent in by the Governor.

The President then read a communication from the Governor announcing the appointment of John W. Andrews, John Greiner, and Robert R. Sloane, to be trustees of the Institution for the Blind at Columbus.

And the question being on advising and consenting to the appointment of John W. Andrew to be trustee of the Institution for the Blind, the yeas and nays were ordered, and resulted—yeas 29, nays none.

Those who voted in the affirmative, were—

Messrs. Beatty, Brand, Braze, Brown, Bundy, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—29.

So the Senate advised and consented to the appointment of John W. Andrews to be trustee as aforesaid.

The question then being on advising and consenting to the appointment of John Greiner to be trustee as aforesaid, the yeas and nays were ordered, and resulted—yeas 25, nays 4.

Those who voted in the affirmative, were—

Messrs. Beatty, Brand, Braze, Brown, Bundy, Burnett, Canfield, Cattell, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Kirk, Lawder, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga and Warfel—26.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence and Matthews—4.

So the Senate advised and consented to the appointment of John Greiner, to be trustee as aforesaid.

The question then being on advising and consenting to the appointment of Robert R. Sloane to be trustee as aforesaid, the yeas and nays were ordered, and resulted yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—31.

So the Senate advised and consented to the appointment of Robert R. Sloane to be trustee as aforesaid.

The President then read a communication from the Governor, announcing the appointment of Jonathan D. Morris, Lovell W. Babbitt, Lewis G. Van Slyke, Cyrus Spink, and Alfred P. Stone to be directors of the Ohio Penitentiary.

And the question being on advising and consenting to the appointment of Jonathan D. Morris, Lovell W. Babbitt, Lewis G. Van Slyke, Cyrus Spink and Alfred P. Stone, to be directors of the Ohio Penitentiary, the yeas and nays were ordered, and resulted—yeas 32, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Braze, Brown, Bundy, Burnett, Canfield, Cattell, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—32.

So the Senate advised and consented to the appointment of Jonathan D. Morris, Lovell W. Babbitt, Lewis G. Van Slyke, Cyrus Spink, and Alfred P. Stone to be directors of the Ohio Penitentiary.

The Present then read a communication from the Governor announcing the appointment of John McLean to be a trustee of the Ohio University at Athens.

And the question being on advising and consenting to the appointment, the yeas and nays were ordered, and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—30.

So the Senate advised and consented to the appointment of John McLean.

The President then read a communication from the Governor, announcing the appointment of Lurton Dunham, Jefferson Patterson, Wm. H. P. Denny, John W. Defrees, Hibberd Jewett, and Wm. P. Huffman to be directors of the Southern Ohio Lunatic Asylum at Dayton.

And the question being on agreeing to the appointment announced, the yeas and nays were ordered and resulted—yeas 24, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Bundy, Burnett, Canfield, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

Those who voted in the negative were—

Messrs. Converse, Holmes, Kirk and Matthews—4.

So the Senate advised and consented to the appointments of Lurton Dunham, Jefferson Patterson, Wm. H. P. Denny, John W. Defrees, Hibberd Jewett and Wm. P. Huffman to be directors as aforesaid.

Mr. Kelley from the Finance committee, reported back

S. B. No. 172, with House amendments, with the recommendation that the amendments be adopted.

And the question being on agreeing to the House amendments, the yeas and nays were ordered, and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Burnett, Canfield, Converse, Gardner, Griswold, Hamilton, Hardy, Hawley, Heaton, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga and Taylor of Mahoning—30.

So the amendments were concurred in.

On motion of Mr. Taylor of Geauga, it was

Resolved, That the thanks of the Senate be tendered to the clergyman of this city, through whose kindness and attention the daily sessions of the Senate were opened with prayer, and that a copy of the bound laws and journals of this session be furnished by the Secretary of State to each of the clergymen who have officiated.

Mr. Griswold offered for adoption the following resolution :

Resolved by the General Assembly of the State of Ohio, That the resolution heretofore adopted by this General Assembly to adjourn on the 9th day of April, 1856, and to meet again on the first Monday of January, 1857, be and the same is hereby rescinded.

Resolved. That this General Assembly will adjourn on Friday, the 11th day of April inst., and meet again on the first Monday of January next.

And the question being on agreeing to the resolutions,

On motion of Mr. Bundy, they were temporarily laid on the table,

The Senate then took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 139 ; To incorporate the Bank of Ohio and other banks, with amendments enclosed.

Attest :

J. S. ROBINSON, Clerk.

Mr. Brazee moved that the Senate agree to House amendments to Senate bill No. 139 aforesaid.

And the question being on agreeing to the amendments, the yeas and nays were ordered, and resulted—yeas 24, nays 4.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Bundy, Burnett, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kirk, Lawder, Lewis, Lunt, Marsh, Matthews, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning and Warfel—24.

Those who voted in the negative were—

Messrs. Holmes, Lawrence, Musgrave and Willford—4.

So the amendments were agreed to.

Mr. Griswold from the Judiciary committee, reported back S. B. No. 143, with pending House amendments, without amendment, and without recommendation.

And the question being on agreeing to the House amendments, the yeas and nays were ordered, and resulted—yeas 20, nays 8.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brand, Brown, Bundy, Burnett, Canfield, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Lawder, Lewis, Lunt, Marsh, Matthews, Spencer and Taylor of Mahoning—20.

Those who voted in the negative were—

Messrs. Brazee, Converse, Holmes, Kelley, Lawrence, Musgrave, Phelps and Rush—8.

So the amendments were adopted.

Message from the House of Representatives.*Mr. President :*

The House has passed Senate joint resolution relative to furnishing Geauga county, with certain copies of the Ohio Reports.

Attest:

J. S. ROBINSON, Clerk.

Mr. Griswold moved to take from the table the Senate resolutions to fix the time of adjournment, and to rescind a resolution passed at a former time, on the same subject,

Which was agreed to by the Senate.

And the question being on agreeing to the resolutions,

Mr. Griswold moved the adoption of the following as a substitute :

Resolved by the Senate and House of Representatives, That this General Assembly will adjourn on the 11th day of April inst., and meet again on the first Monday of January next; and that the joint resolution of the Senate and House of Representatives heretofore adopted to adjourn on the 9th day of April, 1856, and to meet again on the first Monday of January, 1857, be and the same is hereby rescinded.

And the question being on the adoption of the substitute, the yeas and nays were ordered, and resulted—yeas 19, nays 5.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brown, Burnett, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Kirk, Lawder, Lunt, Marsh, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning and Wartel—19.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence, Matthews and Phelps—5.

So the substitute was adopted as an amendment.

The question then recurring on the adoption of the resolution as amended, the yeas and nays were demanded, ordered and resulted—yeas 21, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brown, Bundy, Burnett, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning and Warfel—21.

Those who voted in the negative were—

Messrs. Converse, Holmes, Lawrence, Lewis, Matthews and Phelps—6.

So the resolution as amended was adopted.

On motion of Mr. Hamilton, it was

Resolved, by the General Assembly of the State of Ohio, That there be printed fifteen thousand copies of the act entitled an act to incorporate the Bank of Ohio and other banks, and that one thousand copies thereof be delivered to the State Librarian for the use of the State officers, and that the residue be equally distributed to the members of General Assembly at the same time and in the same manner, that the laws and journals are by law required to be distributed, and that all reports made to the General Assembly at the present session, which have not yet been printed, shall be boxed up and distributed by the Secretary of State at the same time and in the same manner.

The Senate then took a recess until 7½ o'clock this evening.

HALF PAST SEVEN O'CLOCK, P. M.

Message from the House of Representatives.

Mr. President:

The House has disagreed to Senate amendments to

H. B. No. 143 ; Further to preserve the purity of elections held within this State.

Attest :

J. S. ROBINSON, Clerk.

Mr. Brazee moved that the Senate insist on its amendments to the foregoing House bill.

And the question being, shall the Senate insist on its amendments? the yeas and nays were demanded, ordered, and resulted—yeas 16, nays 7.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brazee, Buckland, Burnett, Griswold, Hamilton, Hardy, Heaton, Kelley, Kirk, Lowder, Marsh, Rush, Taylor of Geauga, and Warfel—16.

Those who voted in the negative, were—

Messrs. Converse, Hawley, Holmes, Lawrence, Matthews, Phelps, and Taylor of Mahoning—7.

So the Senate insisted on its amendments.

Mr. Phelps, from a majority of the committee on Public Works and Public Lands, submitted and read a report in answer to Senate resolution requiring said committee to report what was paid James B Steedman for stone deposited on said Steedman's land where the canal passes through it.

And the question being on agreeing to the report,

On motion of Mr. Brazee, the report was laid upon the table.

Mr. Spencer, from the same committee, reported back the petition of G. Longstreet and other citizens of Warren county, in relation to the Warren County Canal. Also, submitted and read a report in answer to Senate resolution instructing said committee to report by what authority and in what manner a sale was made of the Warren County Canal, &c.

And the question being on agreeing to the report,

On motion of Mr. Spencer, it was laid on the table.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 168 ; To provide for the collecting and safe-keeping of the public arms.

Attest :

J. S. ROBINSON, Clerk.

Mr. Taylor of Mahoning, moved a reconsideration of the resolutions postponing to the first Monday of January next all business pending and unfinished on the 9th inst.,

Which was agreed to by the Senate.

On motion of Mr. Taylor of Mahoning, the resolution was then laid on the table.

Wednesday, April 9, 1856.

The President of the Senate laid before the Senate a communication from the Commissioners of the Sinking Fund.

On motion of Mr. Brazee, the communication was referred to the committee of Finance.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bill and joint resolution :

S. J. R. ; Relative to the adjournment of the Legislature.

S. B. No. 41 ; Prescribing the duties of the Commissioners of the Sinking Fund in certain cases.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate then signed, as required by the constitution, the foregoing enrolled joint resolution and bill.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled joint resolution and bills in accordance to the provisions of the constitution :

H. J. R. ; Relative to closing the waste weirs near Dover.

H. B. No. 147 ; To amend the fifth section of an act to encourage the killing of wolves, passed April 26, 1852.

H. B. No. 162 ; Supplementary to an act to prescribe the times of holding the court of common pleas in the third sub-division of the fifth judicial district, passed Feb. 8, 1856.

H. B. No. 98 ; Supplementary to the act entitled "an act to enable the Trustees of colleges, academies, universities and other institutions, for the purpose of promoting education, to become bodies corporate," passed April 19, 1852.

H. J. R. ; Providing an office for the Attorney General in the new State House.

H. J. R. ; Relative to Kansas.

H. B. No. 169 ; Making appropriations for construction, repairs, superintendence and expenses on the public works of Ohio, for the year one thousand eight hundred and fifty-six.

H. B. No. 153 ; Authorizing the State of Ohio to adopt as part of the public works of the State, that portion of the Sandy and Beaver Canal which lies between Bolivar and Sandyville.

H. B. No. 181 ; To authorize Banking companies to hold real estate.

H. B. No. 185 ; To authorize the Commissioners of Ottawa county to borrow money for purposes therein named.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills and joint resolutions.

Message from the House of Representatives.

Mr. President :

The House has passed the following bill and joint resolutions without amendment :

S. B. No. 167.

S. J. R. Relative to granting a new lease to John Stewart.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed the following bills without amendment :

S. B. No. 14 ; To amend the act entitled an act defining the jurisdiction and regulating the practice of the probate courts, passed March 14, 1853.

S. B. No. 160 ; To amend an act passed Feb. 20, 1856, entitled an act to amend an act to establish a code of civil procedure, passed March 11, 1853.

S. J. R. ; Relative to the adjournment of the Legislature.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolutions in which the concurrence of the Senate is requested :

H. J. R. ; Relative to the carpets in the Hall of the House of Representatives.

H. J. R. ; Relative to repairs of the Hall of the House of Representatives.

Attest :

JAS. S. ROBINSON, Clerk.

The foregoing resolutions were then severally adopted by the Senate.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolutions of the Senate :

Relative to the payment of the Clerks for reading proof and indexing the written and printed journal.

Relative to duties of the Auditor of State in settling with the banks for moneys set off for the use of the State.

Relative to the duties of the Treasurer of State in the collection of claims due the State.

The House order the return of the enclosed papers and report in relation to the Treasurer of State.

Attest :

JAMES S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 103 ; To authorize the incorporation of joint stock insurance companies.

Also, S. B. No. 140 ; To amend the act entitled an act for the creation and reg-

ulation of incorporated companies in the State of Ohio, passed May 1, 1852, with an amendment herewith enclosed.

Attest:

JAMES S. ROBINSON, Clerk.

The question being on agreeing to House amendments to S. B. No. 140, the yeas and nays were ordered, and resulted—yeas 28, nays none.

Those who voted in the affirmative, were—

Messrs. Baird, Beatty, Brund, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Converse, Hamilton, Heaton, Holmes, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—28.

So the amendments were adopted.

Mr. Hawley, from the committee on enrollment, made the following report:

The joint standing committee on Enrollment report that they have examined and found correctly enrolled the following bills and joint resolutions, viz:

H. B. No. 169: Making appropriations for construction, repairs, superintendence and expenses on the public works of Ohio for the year one thousand eight hundred and fifty-six.

H. B. No. 147, To amend the fifth section of an act to encourage the killing of wolves, passed April 26, 1852.

H. J. R.; Relative to closing the waste weirs near Dover.

H. B. No. 98; Supplementary to an act entitled "an act to enable the Trustees of colleges, academies, universities and other institutions, for the purpose of promoting education, to become bodies corporate," passed April 9, 1852.

H. B. No. 153; Authorizing the State of Ohio to adopt as part of the public works of the State that portion of the Sandy and Beaver Canal which lies between Bolivar and Sandyville.

H. B. No. 181; To authorize banking companies to hold real estate.

H. B. No. 185; To authorize the commissioners of Ottawa county to borrow money for purposes therein named.

H. B. No. 162; Supplementary to an act "to prescribe the times for holding the court of common pleas in the third sub-division of the fifth judicial district," passed February 8, 1856.

H. J. R.; Providing an office for the Attorney General in the new State House.

H. J. R.; Relative to Kansas affairs.

S. J. R.; Relative to an adjournment of the Legislature.

S. B. No. 41; Prescribing the duties of the Commissioners of the Sinking Fund in certain cases.

S. B. No. 110; Authorizing the Trustees of Mill Creek township, Hamilton county to appropriate certain moneys collected by special tax in said township.

S. B. No. 66; To amend and supplementary an act entitled an act to prevent the adulteration of alcoholic liquors, passed May 1, 1854.

S. B. No. 159; Supplementary to an act entitled an act to prevent nuisances, passed Feb. 28, 1831.

S. B. No. 101; To punish the embezzlement and unlawful use of public moneys.

S. B. No. 138 ; Authorizing cemetery associations heretofore incorporated to avail themselves of the provisions of an act entitled an act making provisions for the incorporation of cemetery associations, passed Feb. 24, 1848.

S. B. No. 119 ; Authorizing the election of one additional Judge of the court of common pleas in the county of Cuyahoga.

S. B. No. 158 ; To authorize the County Commissioners of Hamilton county to sell certain real estate in said county, and to provide for the erection of a county infirmary and lunatic asylum therein.

S. B. No. 91 ; Relating to common schools.

S. B. No. 131 ; To authorize the repairs of certain roads.

On motion of Mr. Brazee, the Senate went into Executive session to consider nominations sent in by the Governor.

A communication from the Governor was then read, announcing the appointment of Theodore Comstock, Henry Miller, and William W. Bierce to be Trustees for the Institution for the education of the Deaf and Dumb.

The question being on advising and consenting to the appointments, the yeas and nays were ordered, and resulted—yeas 30, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—30.

So the Senate advised and consented to the appointment of Theodore Comstock, Henry Miller, and William W. Bierce, to be Trustees as aforesaid.

A communication from the Governor was then read announcing the appointment of John Bryte, Joshua Martin Jacob R. Ware, John P. Bruck, T. W. Powell, and Samuel M. Smith, to be Directors of the Central Ohio Lunatic Asylum.

Mr. Spencer moved that the Senate advise and consent to the appointment of John Bryte, Joshua Martin, Jacob R. Ware, T. W. Powell, and Samuel M. Smith, to be Directors of the Central Ohio Lunatic Asylum.

And the question being on advising and consenting to the appointments, the yeas and nays were ordered, and resulted—yeas 31, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Beatty, Brand, Brazee, Brown, Buckland, Bundy, Burnett, Canfield, Converse, Griswold, Hamilton, Hardy, Hawley, Hyer, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel, and Willford—31.

So the Senate advised and consented to the appointment of John Bryte, Joshua Martin, Jacob R. Ware, T. W. Powell, and Samuel M. Smith, to be Directors of the Central Ohio Lunatic Asylum.

The question then being on advising and consenting to the appointment of John P. Bruck, the yeas and nays were ordered, and resulted—yeas 27, nays 3.

Those who voted in the affirmative were—

Messrs. Baird, Brazee, Brown, Bundy, Canfield, Converse, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh,

Thursday, April 10, 1856.

Matthews, Musgrave, Phelps, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—27.

Those who voted in the negative, were—

Messrs. Beatty, Brand, and Hyer—3.

So the Senate advised and consented to the appointment of John P. Bruck to be Director of the Central Ohio Lunatic Asylum.

The Senate then adjourned.

Attest :

W. T. BASCOM, Clerk.

THURSDAY, APRIL 10, 1856.

Mr. Hawley, from the joint committee on enrollment, submitted the following report:

The joint standing committee on Enrollment report that the following bills and joint resolutions are correctly enrolled :

S. B. No. 172; Making appropriations to pay certain deficiencies in former appropriation bills.

S. B. No. 43; To authorize the consolidation of railroad companies in this State with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States.

S. B. No. 123; In addition to the several acts in relation to courts of justice and their powers and duties.

S. J. R.; Relative to survey and examination of the National Road by the Board of Public Works.

S. B. No. 40; To fix the rate of tolls to be charged by the Wheeling and Cadiz Consolidated Plankroad Companies.

S. J. R.; Relative to furnishing Geauga county with certain of the Ohio Reports.

S. B. No. 143; To protect the investments of municipal corporations in the stock of railroad companies.

Message from the House of Representatives.

Mr. President :

The House asks for a committee of conference on H. B. No. 143; To preserve the purity of elections.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Brand, the Senate agreed to a committee of conference.

The President appointed Messrs. Heaton and Brand members of said committee on the part of the Senate.

Message from the House of Representatives.

Mr. President :

The House has passed S. J. R.; Relative to adjournment.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has passed

S. B. No. 67; Supplementary to an act entitled an act to authorize free banking in Ohio, passed March 21, 1851.

S. B. No. 68 ; Supplementary to the act entitled an act to incorporate the State Bank of Ohio and other banking companies, passed February 24, 1845,

Was lost on its passage.

The House has passed the inclosed J. R.; Relative to furnishing resident clergymen with laws and documents.

Attest :

J. S. ROBINSON, Clerk.

Mr. Matthews, on leave of the Senate, introduced the following bill, which was read the first time :

S. B. No. 174 ; To employ J. Aubrey, Historical Painter, to paint an allegorical picture of General Washington, crowned by the Genius of Liberty, with laurel.

On motion of Mr. Matthews, the constitutional rule was suspended, and the bill was read the second time.

Mr. Kelley moved that the bill be postponed to the first Monday of January next.

And the question being on postponement,

Mr. Matthews demanded the yeas and nays, which were ordered, and resulted—yeas 16, nays 9.

Those who voted in the affirmative were—

Messrs. Brand, Brazee, Brown, Bundy, Hamilton, Hardy, Hawley, Kelley, Kirk, Lawder, Lewis, Lunt, Musgrave, Spencer, Taylor of Geauga and Warfel—16.

Those who voted in the negative were—

Messrs. Baird, Beatty, Converse, Heaton, Holmes, Marsh, Matthews, Phelps, and Willford—9.

So the bill was postponed to the first Monday of January next.

On motion of Mr. Hyer, it was

Resolved by the General Assembly of the State of Ohio, That the Quartermaster-General of Ohio is hereby required to furnish Levin T. McCabe, Captain of the Washington Guards in Preble county, Ohio, fifty stand of muskets for the use of the members of said company, upon said Levin T. McCabe giving bond to the State in double the value of said muskets conditioned for the re-delivery of said muskets to said Quartermaster General, whenever so required by the Governor of Ohio.

The Senate then took a recess.

THREE O'CLOCK P. M.

Mr. Baird, from the committee on Fees and Salaries, reported back Senate resolution, relative to altering the law in relation to county infirmaries, and asked that it be postponed to the first Monday of January next—which was agreed to by the Senate.

Mr. Kirk, from the committee on Medical Societies and Colleges, reported back the report of the Board of Trustees of the Ohio Medical College at Cincinnati, and asked that it be printed in the appendix to the Senate Journal of this session—which was agreed to by the Senate.

On motion of Mr. Kirk, it was

Resolved, That the majority report of the committee on Benevolent Institutions, in relation to the use made of certain liquors at the Ohio Lunatic Asylum at Columbus, be taken from the table and ordered to be printed along with the accompanying papers in the appendix to the Senate Journal.

Mr. Brazee, on leave, introduced the following bill, which was read the first time :

S. B. No. 175 ; To repeal an act therein named.

Mr. Bundy, from the committee on House bill No. 97, submitted the following report :

The committee of conference on Senate amendments to House bill No. 97, report the following amendments, and recommend that the House agree to Senate amendments as amended by the committee, and that the Senate agree to the amendments of the committee.

First—At the end of section 1, add, “provided that no information shall be filed by such prosecuting attorney before said judge for any offense not specified in the transcript from the docket of such justice of the peace or mayor.”

Second—Section 2, line 6, strike out all after the word “defendant,” and insert, “who, when arrested, shall be taken before said judge, and thereupon be recognized to appear at the next term of said court, or in default thereof, to be committed to the jail of the proper county.”

II. S. BUNDY,
WM. F. CONVERSE,
Committee of Senate.

E. F. BINGHAM,
E. G. SPELMAN,
Committee of House.

And the question being on agreeing to the report, it was adopted.

On motion of Mr. Kelley, the Senate went into executive session for the purpose of considering the appointment of Transfer Agent, sent in for the approval of the Senate by the Fund Commissioners.

Mr. Kelley, from the committee of Finance, to whom was referred the communication of the Commissioners of the Sinking Fund, appointing a Transfer Agent, submitted the following report :

The standing committee on Finance, to whom was referred the communication of the Commissioners of the Sinking Fund, relative to the appointment of Richard M. Corwine as Transfer Agent in the city of New York, have given the matter

such examination as their time would permit, and recommend that the Senate do not approve of the appointment.

ALFRED KELLEY,
FELIX MARSH,
GEO. W. HOLMES,

And the question being, "Shall the Senate approve the appointment of Richard M. Corwine to be Transfer Agent, agreeable to the provisions of the act 'prescribing the duties of the Commissioners of the Sinking Fund in certain cases,' " the yeas and nays were ordered and resulted—yeas 15, nays 14.

Those who voted in the affirmative were—

Messrs. Beatty, Brand, Brown, Canfield, Griswold, Hawley, Heaton, Hyer, Lawder, Lunt, Matthews, Rush, Taylor of Geauga, Taylor of Mahoning and Willford—15.

Those who voted in the negative were—

Messrs. Braze, Bundy, Converse, Hamilton, Hardy, Holmes, Kelley, Kirk, Lawrence, Marsh, Musgrave, Phelps, Spencer and Warfel—14.

So the Senate approved of the appointment of Richard M. Corwine to be Transfer Agent.

Mr. Brand, from the committee of conference on Senate amendments to House bill No. 143, submitted the following report :

The joint committee of conference upon the disagreement of the Senate and House upon the Senate amendments to House bill No. 143, have had the same under consideration, and have agreed to report the same back, and recommend that the House agree to said amendments.

J. C. BRAND,
D. HEATON,
Senate Committee.

J. H. LITTLER,
ALFRED YAPLE,
House Committee.

Mr. Lunt moved a reconsideration of the vote approving of the appointment of Richard M. Corwine to be Transfer Agent in New York city.

And the question being on reconsideration of the vote, it was agreed to by the Senate.

The question then being on approving the appointment of Richard M. Corwine to be Transfer Agent in New York City,

The yeas and nays were ordered and resulted—yeas 11, nays 20.

Those who voted in the affirmative were—

Messrs. Brand, Brown, Canfield, Griswold, Hawley, Heaton, Hyer, Matthews, Taylor of Geauga, Taylor of Mahoning and Willford—11.

Those who voted in the negative were—

Messrs. Baird, Beatty, Braze, Bundy, Converse, Hamilton, Hardy, Holmes, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Marsh, Musgrave, Phelps, Rush, Spencer and Warfel—20.

So the Senate refused to approve of the appointment of Richard M. Corwine to be Transfer Agent in New York city.

Thursday, April 10, 1856.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bill in accordance with the provisions of the constitution :

S. B. No. 172 ; Making appropriations to pay certain deficiencies in former appropriations.

The House has also passed

S. B. No. 32 ; Further to amend an act entitled an act to prevent nuisances, &c.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing Senate bill No. 172.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate request and appointed Messrs. Bingham, Spelman and Yapple a committee of conference on matters of difference on House bill No. 97.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate amendments to House resolution—"Relative to preparing a transcript of the bill-book."

The House has passed S. J. R.; Relative to printing and distributing extra copies of the bank bill.

Also, S. J. R.; Relative to the fugitive slave law.

Also, S. B. No. 170 ; To provide for the terms of the district courts in the several counties of the eighth common pleas district.

Also, S. B. No. 115 ; To authorize and regulate the sale of section No. 29, and the surrender of permanent leases thereto in the county of Gallia,

With amendments.

Attest :

J. S. ROBINSON, Clerk.

Mr. Hawley moved that the Senate agree to the House amendments to Senate bill No. 115.

Upon which question the yeas and nays were ordered and resulted—yeas 24, nays none.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Brazee, Brown, Bundy, Canfield, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lunt, Marsh, Matthews, Musgrave, Rush, Taylor of Geauga, Taylor of Mahoning, Warfel and Willford—24.

So the amendments were concurred in.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills, in accordance with the provisions of the constitution :

S. B. No. 158 ; To authorize the county commissioners of Hamilton county to sell certain real estate in said county, and to provide for the erection of a county infirmary and lunatic asylum therein.

S. B. No. 131; To authorize the repair of certain roads.

S. B. No. 110 ; Authorizing the trustees of Mill Creek township, Hamilton county, to appropriate certain moneys collected by special tax in said township.

S. B. No. 66 ; To amend and supplementary to an act entitled an act to prevent the adulteration of alcoholic liquors, passed May 1, 1854.

S. B. No. 159 ; Supplementary to an act entitled an act to prevent nuisances, passed February 28, 1831.

S. B. No. 101; To punish the embezzlement and unlawful use of public moneys.

S. B. No. 138 ; Authorizing cemetery associations heretofore incorporated to avail themselves of the provisions of an act making provision for the incorporation of of cemetery associations, passed February 24, 1848.

S. B. No. 119 ; Authorizing the election of additional judge of the court of common pleas in the county of Cuyahoga.

S. B. No. 91; Relating to common schools.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills.

Message from the House of Representatives.

Mr. President :

The House has appointed Messrs. Littler, Yapple and Monroe as a committee of conference on the part of the House on House Bill No. 143.

The House has passed S. B. No. 107 ; To protect agricultural fairs and fair grounds, with an amendment to title herewith enclosed.

The House has agreed to the report of the committee of conference on House Bill No. 97.

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to the House amendment to the title of S. B. No. 107, it was adopted by the Senate.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 105 ; Providing a plan and estimate of a new building for the deaf and dumb institution at Columbus.

Attest :

J. S. ROBINSON, Clerk.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills and joint resolutions in compliance with the provisions of the constitution.

S. B. No. 123 ; In addition to the several acts in relation to the courts of justice, and their powers and duties.

S. B. No. 143 ; To protect the investments of municipal corporations in the stock of railroad companies.

S. B. No. 40 ; To fix the rate of tolls to be charged by the Wheeling and Cadiz Consolidated Plank Road Company.

S. J. R. ; Relative to survey and examination of the National Road by the Board of Public Works.

S. J. R. , Relative to furnishing Geauga county with certain copies of the Ohio Reports.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing enrolled bills and joint resolutions.

The Senate then took a recess until half past 7 o'clock P. M.

HALF-PAST SEVEN O'CLOCK P. M.

The President laid before the Senate a communication from the Commissioners of the Sinking Fund relative to the appointment of Transfer Agent.

On motion of Mr. Kelley the communication was laid on the table.

On motion of Mr. Hawley, it was

Resolved, That the clerk of the Senate be empowered to employ and pay any necessary assistance in the enrollment of S. B. No. 139 ; To incorporate the Bank of Ohio and other banks.

The Senate then adjourned until 8 o'clock to-morrow morning.

Attest :

W. T. BASCOM, Clerk.

FRIDAY, APRIL 11, 1856.

S. B. No. 175 was read the second time.

Mr. Hyer moved to indefinitely postpone the bill.

Mr. Brazee moved to amend the motion so as to postpone to the first Monday of January next.

And the question being on the adoption of the amendment, it was agreed to.

Mr. Hyer, on leave of the Senate, then withdrew the motion to indefinitely postpone.

So the bill was postponed to the first Monday of January next.

Message from the House of Representatives.

Mr. President :

The House has passed S. B. No. 171; Prescribing and limiting the rates of taxation, with amendments herewith enclosed.

Attest :

J. S. ROBINSON, Clerk.

Mr. Matthews moved that the Senate agree to the first amendment, providing that in cities which by the last federal census contained not less than 100,000 inhabitants, the levy for all purposes may be raised to a rate not exceeding 6½ mills on the dollar of valuation.

And the question being on agreeing to the amendment,

The yeas and nays were ordered, and resulted—yeas 18, nays 6.

Those who voted in the affirmative were—

Messrs. Baird, Brand, Braze, Bundy, Canfield, Converse, Holmes, Kirk, Lawrence, Lewis, Lunt, Matthews, Musgrave, Phelps, Spencer, Taylor of Geauga, Warfel, and Willford—18.

Those who voted in the negative were—

Messrs. Brown, Griswold, Hamilton, Kelley, Rush, and Taylor of Mahoning—6.

So the amendment was concurred in by the Senate.

The question then being on the second amendment of the House to S. B. No. 171, which amendment provided for a levy of one-twentieth of a mill on the dollar for school library purposes.

The yeas and nays were ordered, and resulted—yeas 7, nays 20.

Those who voted in the affirmative, were—

Messrs. Canfield, Converse, Holmes, Lawrence, Matthews, Phelps, and Willford—7.

Those who voted in the negative were—

Messrs. Baird, Brand, Braze, Brown, Bundy, Griswold, Hamilton, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—20.

So the amendment was disagreed to by the Senate.

Message from the House of Representatives.

Mr. President :

The House has passed the following joint resolution :

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be and he hereby is instructed to prepare a statement of the times of holding the district and common pleas courts in the several counties of this State, and publish the same for two weeks in two of the newspapers of the city of Columbus.

Attest :

J. S. ROBINSON, Clerk.

The question then being on agreeing to the resolution,

On motion of Mr. Taylor of Mahoning, the resolution was laid on the table.

Mr. Kelley, from the committee of Finance, to whom was referred H. B. No. 184, making appropriations for the year 1856, reported the same back with sundry amendments.

And the question being on agreeing to the amendments, they were severally adopted.

And the question then being on the passage of the bill,

The yeas and nays were ordered and resulted—yeas 22 ; nays 3.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Bundy, Canfield, Griswold, Hamilton, Hardy, Hawley, Heaton, Kelley, Kirk, Lawder, Lewis, Lunt, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—22.

Those who voted in the negative, were—

Messrs. Lawrence, Phelps, and Willford—3.

So the bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Taylor of Mahoning, the Senate reconsidered the vote adopting the report of the joint committee of conference on House amendments to S. B. No. 171.

And the question being on agreeing to the report,

On motion of Mr. Taylor of Mahoning, the report was laid on the table.

Message from the House of Representatives.

Mr. President :

The House has disagreed to the report of the committee of conference on S. B. No. 171, and recedes from its 2d amendment to said bill.

Attest :

J. S. ROBINSON, Clerk.

Mr. Hawley, from the Joint Enrolling Committee, submitted the following report :

The Standing Joint Committee on Enrollment report that the following bills and joint resolutions are correctly enrolled :

S. J. R. No. 18 ; Relative to the duties of the auditor of state in settling with the banks for moneys set off for the use of the state.

S. B. No. 168 ; To provide for the collection and safe keeping of the public arms.

S. B. No. 167 ; Providing for the application of the property belonging to the estate of Anderson Granger, deceased, late of Preble county, Ohio ; and also for the settlement of said estate by the administrator.

S. J. R. No. 17 ; Relative to the duties of the Treasurer of State in the collection of the claims due the State.

S. B. No. 14 ; To amend the act entitled an act defining the jurisdiction and regulating the practice of the probate court, passed March 14, 1853.

S. J. R. No. 16 ; Relative to the payment of the clerks for reading proof and indexing the written and printed journals.

S. B. No. 103 ; To authorize the incorporation of joint stock companies.

S. B. No. 67 ; Supplementary to an act entitled an act to authorize free banking in Ohio, passed March 21, 1851.

S. B. No. 169 ; To amend an act passed February 20, 1856, entitled an act to establish a code of civil procedure, passed March 11, 1853.

S. B. No. 170 ; To provide for the terms of the district courts in the several counties of the eighth common pleas district.

S. J. R. No. 20 ; Relative to the fugitive slave law.

S. J. R. No. 19 ; Relative to printing and distributing extra copies of the bank bill.

S. J. R. No. 21 ; Relative to granting a new lease to John Stewart.

S. B. No. 140 ; To amend the act entitled an act for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

S. B. No. 32 ; Further to amend the act entitled an act to prevent nuisances, passed February 28, 1831, and to repeal the act passed March 25, 1851, entitled an act further to amend an act entitled an act to prevent nuisances, passed February 28, 1831.

S. B. No. 105 ; Providing a plan and estimate of a new building for the deaf and dumb institution at Columbus.

S. B. No. 115 ; To authorize and regulate the sale of section number twenty-nine and the surrender of permanent leases thereto, in the county of Gallia,

S. B. No. 107 ; To protect agricultural fairs and fair grounds.

H. B. No. 148 ; To confirm the sale of certain lands therein named.

H. J. R. ; Relative to a railroad to the Pacific ocean.

H. J. R. ; Relative to repairs of the hall of House of Representatives.

H. J. R. ; Relative to the carpets in the hall of the House of Representatives.

H. J. R. ; Relative to binding bills.

H. B. No. 79 ; To amend an act entitled an act defining the jurisdiction and regulating the practice of probate courts, passed March 14, 1853.

H. J. R. ; Relative to preparing transcript of the bill book, and forwarding to members.

H. J. R. ; Relative to furnishing resident clergymen with laws and documents.

S. B. No. 139 ; To incorporate the Bank of Ohio and other banks.

Mr. Kelley, from the committee of conference on House amendments to S. B. No. 171, submitted the following report :

The Joint Committee of Conference on the disagreement of the Senate to the House amendment to S. B. No. 171 ; Prescribing and limiting the rates of taxation, have had the same under consideration, and recommend that the following be adopted as a substitute for the House amendment, viz :

“ Provided, that the several boards of education may, at their discretion, appropriate for library purposes out of the moneys received by them respectively, from the State levy for school purposes, a sum not exceeding six per centum of the amount so received.”

ALFRED KELLEY,
R. W. TAYLOR,
Senate Committee.
J. W. UNDERHILL,
JOHN CROOKS,
House Committee.

And the question being on agreeing to the report, the yeas and nays were ordered, and resulted—yeas 18 ; nays 7.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Bundy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—18.

Those who voted in the negative were—

Messrs. Canfield, Converse, Griswold, Hardy, Holmes, Lawrence, and Musgrave—7.

So the report was agreed to by the Senate.

Mr. Brand gave notice that he would on the first Monday of January next, or some subsequent day of the session, introduce a bill, "Further to preserve the purity of elections, and to correct abuses under the naturalization laws."

The President of the Senate having vacated the chair,

On motion of Mr. Brazee, it was

Resolved, That the Senate now proceed to the election of a President pro tem. of the Senate.

Mr. Brand nominated Hon. Lester Taylor, and there being no other nominations, the roll was called, and the following Senators voted for Mr. Taylor :

Messrs. Baird, Brand, Brazee, Brown, Bundy, Canfield, Griswold, Hardy, Hawley, Heaton, Kelley, Kirk, Lawder, Lawrence, Lewis, Lunt, Musgrave, Rush, Spencer, Taylor of Mahoning, and Warfel—21.

Mr. Taylor then took the oath of office, and an oath to support the constitution of the United States, and of the State of Ohio.

On motion of Mr. Brand, it was unanimously

Resolved, That the thanks of the Senate be tendered to Wm. T. Bascom, and to each of the assistant clerks, for their unremitting industry and application in the discharge of their duties, having done the same in a very satisfactory manner.

Message from the House of Representatives.

Mr. President:

The House has passed S. B. No. 173, with an amendment, by filling the blank in first section with the names of Benjamin F. Smith and John A. Sinnet ; in section 2, with the names of Paul Weatherby and John A. Blair ; in section 3, with the names of Silas Irion and Isaac Brayton.

Attest :

J. S. ROBINSON, Clerk.

The question being on agreeing to House amendments to the foregoing S. B. No. 173,

The yeas and nays were ordered, and resulted—yeas 22 ; nays 5.

Those who voted in the affirmative, were—

Messrs. Baird, Brand, Brazee, Brown, Canfield, Griswold, Hamilton, Hardy, Hawley, Heaton, Hyer, Kelley, Kirk, Lawder, Lewis, Lunt, Musgrave, Rush, Spencer, Taylor of Geauga, Taylor of Mahoning, and Warfel—22.

Those who voted in the negative, were—

Messrs. Converse, Holmes, Lawrence, Matthews, and Phelps—5.

So the amendments of the House were concurred in.

Message from the House of Representatives.

Mr. President :

The House has appointed Messrs. Plumb, Underhill, and Crooks as a committee of conference on the part of the House on the matters of difference on Senate Bill No. 171.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Phelps, it was

Resolved, That the clerk of the Senate publish with the Journals a list of the members of this body, showing the names of Senators, their place of birth, age, county of residence, post office, occupation, and whether single or married.

Message from the House of Representatives.

Mr. President :

The House has passed the following Joint Resolution, in which the compliance of the Senate is requested.

Attest :

J. S. ROBINSON, Clerk.

The question then being on the adoption of the resolution, it was agreed to as follows :

Resolved, by the General Assembly of the State of Ohio, That a joint select committee, consisting of Geo. M. Parsons and Jas. H. Smith, on the part of the House, and Alfred Kelley on the part of the Senate, be appointed, whose duty it shall be to supervise the preparation of the hall of the House of Representatives and Senate chamber in the new State House, and who shall be and are empowered to contract for such furniture, and employ such labor as may be necessary to properly prepare the same for the use of the members of the General Assembly; provided, that no contract or expenditure shall be made without the assent and advice of the State House Commissioners and Secretary of State.

Message from the House of Representatives.

Mr. President :

The House insists upon its amendments to S. B. No. 171, and asks for a committee of conference.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Kelley the Senate agreed to the request of the House for a committee of conference on S. B. No. 171, and the President of the Senate appointed Messrs. Kelley and Taylor of Mahoning members of said committee on the part of the Senate.

Message from the House of Representatives.

Mr. President :

The speaker of the House has signed the following enrolled bills and joint resolutions in compliance with the provisions of the constitution :

S. J. R.; Relative to the duties of the Treasurer of State in the collection of the claims due the State.

S. B. No. 103; To authorize the incorporation of joint stock insurance companies.

Friday, April 11, 1856.

S. B. No. 115; To authorize and regulate the sale of section No. 29, and the surrender of permanent leases thereto, in the county of Gallia.

S. B. No. 105; For providing a plan and estimate of a new building for the deaf and dumb institution at Columbus.

S. B. No. 140; To amend the act entitled an act for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

S. B. No. 32; Further to amend an act entitled an act to prevent nuisances, passed February 28, 1831, and to repeal the act passed March 25, 1851, entitled an act further to amend an act entitled an act to prevent nuisances, passed February 28, 1831.

S. B. No. 14; To amend the act entitled an act defining the jurisdiction and regulating the practice of the probate courts, passed March 14, 1853.

Attest :

J. S. ROBINSON, Clerk.

The President pro-tempore of the Senate then signed the foregoing bills and joint resolution as required by the constitution.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills in compliance with the provisions of the constitution ; also, the following enrolled joint resolutions :

H. B. No. 97; To amend an act entitled an act defining the jurisdiction and regulating the practice of probate courts, passed March 14, 1853.

H. B. No. 148 ; To confirm the sale of certain lands therein named.

H. J. R.; Relative to furnishing the resident clergymen with laws and documents.

H. J. R.; Relative to a railroad to the Pacific ocean.

H. J. R.; As to repair of hall of House of Representatives.

H. J. R.; Relative to the carpets in the hall of the House of Representatives.

H. J. R.; Relative to preparing a transcript of the bill-book and forwarding to members.

H. J. R.; Relative to binding bills.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate pro tempore then signed the foregoing bills and joint resolutions as required by the constitution.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills in the presence of the House :

S. B. No. 169; To amend an act passed February 20, 1856, entitled an act to establish a code of civil procedure, passed March 11, 1853.

S. B. No. 67; Supplementary to an act entitled an act to authorize free banking in Ohio, passed March 21, 1851.

S. B. No. 170; To provide for the terms of the district court in the several counties of the eighth common pleas district.

S. B. No. 168; To provide for the collection and safe keeping of the public arms.

S. B. No. 107; To protect agricultural fairs and fair grounds.

S. B. No. 167; Providing for the application of the property belonging to the estate of Anderson Granger, deceased, late of Preble county, Ohio, and also for the settlement of said estate by the administrator.

S. B. No. 139; To incorporate the bank of Ohio and other banks.

Attest :

J. S. ROBINSON, Clerk.

The President of the Senate, as required by the constitution then signed the foregoing enrolled bills.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled joint resolutions in the presence of the House :

S. J. R. No. 16; Relative to the payment to the clerks for reading proof and indexing the written and printed journals.

S. J. R. No. 18; Relative to the duties of the Auditor of State in settling with the banks for moneys set off for the use of the State.

S. J. R. No. 19; Relative to printing and distributing extra copies of the bank bill.

S. J. R. No. 20; Relative to the fugitive slave law.

S. J. R. No. 21; Relative to granting a new lease to John Stewart.

Attest :

J. S. ROBINSON, Clerk.

The President pro tem. of the Senate then signed the foregoing joint resolutions in the presence of the Senate as prescribed by the constitution.

The joint standing committee on Enrollment report that they have examined and found correctly enrolled the following bills and joint resolution :

S. B. No. 173; For the appointment of three joint investigating committees, defining their powers and prescribing their duties.

S. B. No. 171; Prescribing and limiting the rates of taxation.

H. J. R.; Relative to repairing the hall of the House of Representatives.

Message from the House of Representatives.

Mr. President :

The House has agreed to Senate amendments to House bill No. 184, except the 4th section of the bill, which the Senate inserted as section 4, and is included in the 8th amendment of the Senate, which 4th section they have disagreed to.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Kelley, the Senate receded from its amendment, added as section 4, to House bill No. 184.

On motion of Mr. Heaton, it was

Resolved, That the thanks of the Senate are tendered to Samuel E. Brown, official reporter, for his uniform courtesy, and the diligence and satisfaction with which he has discharged his duties; and also to W. D. Bickam, of the Cincinnati Times,

Friday, April 11, 1856.

for the ability with which he has discharged his duties, and the general courtesy evinced by him to the members of this body.

Message from the House of Representatives.

Mr. President :

The Speaker of the House has signed the following enrolled bills in the presence of the House while in session :

S. B. No. 173 ; For the appointment of three joint investigating committees, defining their powers and prescribing their duties.

S. B. No. 171 ; Prescribing and limiting the rates of taxation.

H. J. R. ; Relative to preparing the hall of the House of Representatives.

Attest :

J. S. ROBINSON, Clerk.

The President pro tem. of the Senate then signed the foregoing bills and resolution in the presence of the Senate.

On motion of Mr. Taylor of Mahoning, the motion to re-reconsider the resolution postponing all business unfinished after the 9th inst., to the first Monday of January next, was taken from the table and the vote by which it was adopted was reconsidered.

Mr. Taylor of Mahoning then offered the following resolution as a substitute for said resolution, which was adopted :

Resolved, That all business not otherwise disposed of be postponed until the first Monday of January next.

The joint standing committee on Enrollment, reported the following bill correctly enrolled :

H. B. No. 184 ; Making appropriations for the year one thousand eight hundred and fifty-six.

Message from the House of Representatives.

Mr. President :

The speaker of the House has signed the following enrolled bill in the presence of the House, in accordance with the provisions of the constitution of Ohio.

H. B. No. 184 ; Making appropriations for the year 1856.

Attest :

J. S. ROBINSON, Clerk.

The President pro tem. of the Senate then signed the foregoing bill in the presence of the Senate.

On motion of Mr. Hamilton, it was

Resolved, That the House be notified that the Senate is now through with its business, and is ready to adjourn.

Message from the House of Representatives.

Mr. President :

The House has completed its business, and is now ready to adjourn until the first Monday in January next.

Attest :

J. S. ROBINSON, Clerk.

On motion of Mr. Taylor of Mahoning, the Senate then adjourned till the first Monday of January, 1857.

Attest :

W. T. BASCOM, Clerk.

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8. Fixing the compensation of members of the General Assembly and of clerks and assistant clerks, sergeant-at-arms, and assistant sergeant-at arms, of the Senate and House of Representatives of the State of Ohio, 51, 71, 379.
9. Concerning the enacting and repealing of statutes, 51, 71, 118, 123, 284, 328, 424.
15. To dispense with proof in certain cases, 74, 78.
18. To repeal an act therein named, 78, 81, 87, 231, 233, 234.
21. To amend the 490 and 491st sections of the code of civil procedure, 83, 89, 97, 98, 102, 118, 129, 231, 235, 244, 284, 328, 336.
22. To amend the act entitled an act to provide for the proof, acknowledgment and recording of deeds and other instruments of writing, passed Feb. 22, 1831, 83, 89, 97.
23. For the protection of sureties, 86, 95, 115.
25. To provide for the payment of juries in civil cases, 91, 98.
27. To repeal the 2d section of the act entitled an act to provide for the preservation and safe keeping of the journals of the General Assembly, passed Jan 21, 1839, 91, 98, 105.
28. To provide for the manner of keeping, printing and preserving the journals of the General Assembly, 95, 103.
31. Supplementary to, and to amend the act entitled an act requiring annual settlements by county officers, passed March 22, 1850, and to regulate the compensation of such officers, 100, 109, 136, 172, 183, 193, 197, 210, 220, 223, 227, 229, 232, 239, 336, 341, 406, 413.
32. Further to amend the act entitled an act to prevent nuisances, passed Feb. 28, 1831, and to repeal the act passed March 25, 1851, entitled an act further to amend an act entitled an act to prevent nuisances, passed Feb, 28, 1831, 100, 109, 446, 451 454.
33. Further to amend the act entitled an act directing the mode of trial in criminal cases, passed March 7, 1831, 100, 109, 112.
34. To protect keepers of hotels, inns and boarding houses in certain cases, 100, 109, 158, 166, 176, 180, 219.
37. To provide for the collection of fees and costs, 102, 109.
38. To authorize the judges of the courts of common pleas of each judicial district to fix permanently the times for holding the courts of common pleas and district courts therein, 104, 122, 124, 133, 175, 209, 231, 235, 246, 285, 328, 336.
41. Prescribing the duties of the commissioners of the sinking fund in certain cases, 108, 122, 125, 126, 130, 139, 300, 315, 336, 356, 365, 386, 402, 430, 438, 440.
42. Prescribing the duties of the Auditor and Treasurer of State relative to the receipt, safe keeping and disbursement of the public moneys and accounting therefor, 115, 127, 131, 136, 141, 142, 310, 315, 328, 331 381, 385, 424.
45. To amend the 7th section of the act entitled an act for the prevention of certain immoral practices, passed February 17, 1831, 125, 127, 173, 176, 267, 281.

46. Providing for a geological survey of the State of Ohio, 125, 127, 179, 241, 248.
49. To amend the act entitled an act to establish a code of civil procedure, passed March 11, 1853, 129, 146, 153, 183, 188, 247, 270, 275.
53. Providing for recording, printing and distributing the journals of the General Assembly, and the laws and public documents, 133, 156, 193, 194, 210, 327, 406, 413.
54. To provide for opening, grading, improving and repairing streets, alleys, and highways through special road districts in the State of Ohio, 134, 150, 167, 172.
55. To amend the act entitled an act to create a permanent agricultural fund in the State of Ohio, and for other purposes, 134, 155, 179, 221, 223, 236, 243, 251, 312, 328, 337.
57. To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840, 140, 156, 171, 175, 187, 220, 225, 226.
58. To amend the act entitled an act to establish a code of civil procedure, passed March 11, 1853, and to repeal the act entitled an act regulating appeals to the district court, passed March 23, 1852, 147, 159, 254.
61. To prevent the forcible abduction of free blacks and mulatto persons from the State of Ohio. 153, 158, 231, 235, 271, 273, 316, 325.
63. To amend the act entitled an act to amend the act prescribing the duties of supervisors, and relating to roads and highways, passed April 29, 1854, also amendatory to the act entitled an act to amend the act prescribing the duties of supervisors and relating to roads and highways, passed April 7, 1854, 151, 163, 176, 210, 219, 240, 272, 273, 277, 280, 395, 424.
66. To amend and supplementary to the act entitled an act to prevent the adulteration of alcoholic liquors, passed May 1, 1854, 146, 168, 212, 231, 235, 280, 309, 342, 353, 357, 429, 440, 447.
74. To amend the act entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases, passed March 14, 1853, 173, 188, 192, 195.
75. To amend the 5th section of the act entitled an act to provide for compensation to the owners of private property appropriated to the use of corporations, passed April 30, 1852, 173, 183, 192, 308, 318, 395, 423, 425.
76. Supplementary to the act to provide for the distribution of Swan's Revised Statutes of Ohio, passed May 1, 1854, 175, 183, 187, 195, 196.
77. Further to prescribe the duties of county commissioners, 180, 191, 231, 234, 245, 335, 346, 347, 365, 389, 423, 425.
78. To amend the act to regulate the fees of officers in civil and criminal cases, passed March 5, 1831, 180, 195, 236, 248, 254, 350, 406, 412.
79. Fixing the salaries of judges of the supreme courts and courts of common pleas, 180, 195, 236, 280, 321, 329, 368, 369.

81. To authorize the commissioners of Miami county to issue bonds to raise money to pay the debts of said county, 183, 191, 236, 244, 312, 328, 337.
83. To amend the act to establish a code of civil procedure, passed March 11, 1853, 187, 197, 236, 244.
84. To provide for the registration of births, deaths and marriages in Ohio, 189, 210, 309, 320, 359, 406, 412.
85. In relation to conveyances and devices of property for religious purposes, 191, 210, 265, 359.
86. To amend the 15th section of the act entitled an act to regulate the fees of officers in civil and criminal cases, passed March 5, 1831, 192, 197, 236, 253, 259.
90. To provide for the punishment of certain offences therein named, 195, 210, 236, 286, 290.
92. Establishing permanently the office of county surveyor, and amendatory of the act entitled an act creating the office of county surveyor, and defining his duties, and regulating his fees, passed March 3, 1831, 196, 217, 252, 254, 273, 277, 282.
95. To provide for the government of the Lunatic Asylums of the State of Ohio, and the care of the insane, 197, 224.
97. In addition to the act of Feb. 19, 1850, entitled an act for the prevention of frauds and perjuries, 201, 217, 242, 348.
98. To amend the act entitled an act to provide against the evils resulting from the use of intoxicating liquors in the State of Ohio, passed May 1, 1854. 202, 224, 274, 275, 289, 291, 299, 303.
100. To authorize mortgagors of real estate to waive the appraisement of the real estate upon the foreclosure and sale of the mortgaged premises, 205, 224, 309, 316.
101. To punish the embezzlement and unlawful use of public moneys, 206, 224, 242, 245, 429, 440, 447.
102. For the relief of purchasers at tax sales, 210, 224, 247.
105. To provide for the construction of a new building for the institution of the deaf and dumb at Columbus, 211, 233, 265, 296, 320, 321, 333, 362, 372, 377, 447, 451, 454.
107. To provide for the appointment of special constables for agricultural fairs, and to protect fairs and fair grounds, 211, 253, 261, 411, 447, 451, 455.
109. To prevent slaveholding in the State of Ohio, 214, 224, 252, 321.
111. Extending the jurisdiction of justices of the peace and constables throughout the county in certain cases, 217, 248, 264.
112. Securing married women such personal property as may be exempt from execution, and also enabling them to control their own earnings and that of their minor children in certain cases, 217, 248, 263, 264, 290, 291.
113. To repeal a certain act therein named, passed May 1, 1854, and to revive sections 4, 5 and 7 of the act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases, passed March 14, 1853, 217, 248, 290.

- 114.. To extend the jurisdiction of justices of the peace in certain cases therein named, 219, 253.
- 115. To authorize and regulate the sale of section 29, and the surrender of permanent leases thereon in the county of Gallia, 220, 253, 259, 446, 451, 454.
- 116. Fixing the commencement of the official term of county recorders, 223, 248.
- 118. To limit the power of public officers and agents in making contracts, 229, 253.
- 124. To amend the act entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases, passed March 14, 1853, 240, 264, 320, 323, 324, 356.
- 127. Relating to section No. 29, in Springfield township, Hamilton county, 247, 264.
- 128. Supplementary to the act entitled an act for the punishment of certain offences therein named, passed March 8, 1831, 250, 273.
- 129. To authorize Joseph Walton to institute suit against the State of Ohio for damage sustained by him in the construction of State works on and adjacent to the land of said Walton, 252, 267, 390.
- 130. To amend the act entitled an act to require mortgages or bills of sale of personal property to be deposited with township clerks, passed Feb. 24, 1846, 252, 281, 338.
- 131. To authorize the repair of certain roads, 257, 281, 371, 430, 441, 447.
- 132. To repeal certain acts therein named, 257, 287.
- 133. To authorize the commissioners of Hamilton county to aid in the construction of a bridge across the White Water river, near the village of Harrison, in said county, 259, 281, 286, 287, 327, 406, 413.
- 136. To provide for the payment of the public debt of the State due January 1, 1857, 264, 332, 344, 385, 424.
- 137. Defining the jurisdiction of justices of the peace, and other officers of the city of Cleveland, and detaching a portion of said city from Brooklyn township, 265, 296, 297, 350, 423, 425.
- 141. For the punishment of certain crimes therein named, 271, 341, 349.
- 142. To amend an act for the punishment of certain offences therein named, passed March 8, 1831, 271, 323.
- 144. To punish ministerial officers of counties, townships, villages and cities in the State of Ohio for aiding in the capture of fugitives from slavery, 274, 323, 332.
- 145. To punish citizens of Ohio for voluntarily engaging in slave-catching, 274, 323.
- 146. To prevent the jails and prisons of Ohio from being used for the purpose of confining, detaining or imprisoning so-called fugitives from slavery, 274.
- 147. To enable and compel sheriffs or other ministerial officers in this State to arrest, imprison and hold any person who has violated the criminal laws of Ohio so that such offender shall be forthcoming to answer such charge and to abide the orders and final judgment and sentence of the proper State tribunal, 274, 357.

- 149. To authorize the city of Cincinnati to contract with the Clifton avenue turnpike and plank road company for certain purposes, 277, 332.
- 150. To enable receivers of mutual fire insurance companies more effectually to collect the debts due to said companies, 279, 339, 346, 347, 349, 370, 380.
- 152. To prevent frauds upon the elective franchise, 285, 317, 354, 363, 371.
- 156. Authorizing the board of public works to take charge of the slackwater from the head of Trenton feeder to Urichsville, in Tuscarawas county, 308, 340, 366, 396, 406, 413.
- 157. Supplementary and amendatory to the act entitled an act regulating sales at auction, passed March 16, 1840, 322, 344.
- 158. Authorizing the commissioners of Hamilton county to sell certain real estate, 322, 344, 356, 364, 414, 441, 447.
- 159. Supplementary to the act entitled an act to prevent nuisances, passed Feb. 28, 1831, 339, 357, 361, 364, 372, 374, 429, 440, 447.
- 161. To authorize the trustees of the civil township of Salem, Auglaize county, to petition for sale of section 16, township 4 south, range 4 east, 343, 361, 401, 413.
- 163. Providing for compromising and adjusting claims due the State, 351, 381, 408.
- 165. Authorizing the commissioners of Clermont county to sell or exchange the infirmary farm of said county, 360, 385, 406, 413.
- 166. To amend a certain act therein named, 376, 382, 412, 424.
- 167. Providing for the application of the property belonging to the estate of Anderson Granger, deceased, late of Preble county, Ohio, and also for the settlement of said estate by the administrator, 378, 439, 450, 455.
- 168. To provide for the collection and safe keeping of the public arms, 379, 437, 450, 455.
- 169. To amend an act passed February 20, 1856, entitled an act to amend the act to establish a code of civil procedure, passed March 11, 1853, 379, 439, 450, 454.
- 173. For the appointment of three joint investigating committees, defining their powers and prescribing their duties, 391, 404, 452, 455, 456.
- 174. To employ J. Aubrey, historical painter, to paint an allegorical picture of Washington, &c., for the new state house, 443.
- 175. To repeal an act therein named, 444, 448.

BILLS OF THE HOUSE.

APPROPRIATIONS—

- 78. Making appropriations to pay the indebtedness of the benevolent institutions, and for other purposes, 198, 203, 258, 260, 267, 268.
- 169. Making appropriations for construction, repairs, superintendence, and expenses on the public works for 1856, 387, 438, 440.
- 184. Making appropriations for the year 1856, 387, 449, 455, 456.

BANKS AND CURRENCY—

- 38. To repeal the act entitled an act to amend the act supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper, passed February 24, 1848, 151, 156, 163, 240, 253, 270, 274.
- 181. To authorize banking companies to hold real estate, 367, 374, 411, 432, 438, 440.

CORPORATIONS, IN RELATION TO—

- 12. To regulate insurance companies not incorporated by the State of Ohio, 284, 286, 309, 322, 326, 339, 345, 350, 407, 413.
- 59. Supplementary to the act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, 284, 287, 308, 319, 322, 324, 365, 406, 413.
- 79. Supplementary to the act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, 294, 297, 316, 353, 366.
- 133. Supplementary to the act entitled an act to provide for the organization of incorporated cities and villages, passed May 3, 1852, 312, 318, 331, 334, 369, 386.
- 150. To authorize incorporated villages to take the enumeration of their inhabitants for the purpose of becoming cities of the second class, 327, 332, 342, 369, 386.
- 170. For the relief of certain turnpike companies, 367, 374, 380, 382, 407, 412.

COURTS AND COURT BILLS—

- 1. To restore to the court of common pleas the jurisdiction of minor offences in certain counties of this State, 165, 168, 182, 221, 230, 233, 235, 236, 261, 286, 314, 326, 389, 430.
- 2. To fix and provide for holding the terms of the court of common pleas in the several counties composing the 2d sub-division of the 5th judicial district of Ohio, 71, 73, 76, 82, 111, 128.
- 8. To amend the act to fix permanently the times of holding the terms of the courts of common pleas in the 7th judicial district, passed Jan. 31, 1854, 81, 83, 84, 108, 129, 143.
- 13. To fix and provide for holding the terms of the court of common pleas in the several counties of the 2d judicial district of Ohio, 104, 109, 111, 113, 128, 143.
- 21. To fix the times of holding the district courts in the several counties of the 3d common pleas district of Ohio, 126, 128, 130, 178, 184.
- 22. To fix and provide for holding the terms of the courts of common pleas in the several counties of the 3d judicial district of Ohio, 126, 128, 130, 145, 164, 181, 186.
- 24. To fix and provide for the terms of the district court in the 5th common pleas district in the 3d circuit of Ohio, 91, 95, 101, 102, 114, 128.
- 25. Prescribing the times for holding the courts of common pleas in the 3d sub-division of the 5th judicial district, 99, 102, 104, 128, 143.

- 27. To amend the 3d section of the act entitled an act to fix and provide permanently for holding the terms of the court of common pleas in the 8th judicial district of Ohio, 99, 102, 122, 129, 143, 405.
- 28. Further prescribing the powers and duties of the courts of this State and the judges thereof, 152, 156, 176, 177, 182, 188, 219, 229, 231, 241, 346, 369, 386.
- 97. To amend the act regulating the practice of probate courts, 395, 397, 410, 431, 432, 444, 446, 447, 451, 454.
- 113. To establish the superior court of Montgomery county, 284, 304, 316, 336.
- 141. Supplementary to the act entitled an act defining the jurisdiction and regulating the practice of probate courts, 312, 317, 352, 366.
- 151. To repeal the act entitled an act to abolish the criminal court of the county of Hamilton, and to transfer the unfinished business of said court to the court of common pleas in the first district, passed May 1, 1854, and to revive an act entitled an act to create a court of criminal jurisdiction in Hamilton county, passed March 12, 1852, 365, 374, 378.
- 162. Supplementary to the act to prescribe the times for holding the courts of common pleas in the 3d sub-division of the 5th judicial district, passed Feb. 8, 1856, 312, 317, 347, 407, 408, 431, 438, 440.

RELIEF ACTS—

- 42. To provide for the payment of the claim of David C. Doan, 175, 179, 253, 254, 291, 356, 364.
- 52. To provide for the payment of the claim of Charles Boesel for damages sustained by canal boat Robert Blum and cargo, by breaking in of lock No. 23, on the Miami Extension Canal, Oct. 6, 1850, 164, 168, 239, 293, 294.
- 117. To authorize the Commissioners of Washington county to borrow money to pay the interest of July, 1856, on certain bonds issued by said county, 255, 259, 310, 322, 323, 353, 366.
- 176. To pay the claim of the Franklin Printing Company, 367, 374, 378, 383, 405.
- 178. To authorize the Commissioners of Van Wert county to borrow money, 367, 373, 391, 396.
- 185. To authorize the Commissioners of Ottawa county to borrow money for purposes therein named, 386, 394, 408, 431, 438, 440.

SCHOOLS AND SCHOOL LANDS—

- 7. To authorize the Trustees of Madison township, Franklin county, to convey a portion of school section 16, for school house purposes, 151, 156, 176, 177, 179, 225.
- 57. To repeal section 3 of an act entitled an act to incorporate certain towns therein named, passed March 19, 1850; also, to repeal an act entitled an act in relation to common schools in the town of Attica, Seneca county, 193, 195, 231, 235, 259, 260, 288, 316, 335.
- 75. To provide for the establishment of the Ohio Reform School, 350, 357, 373, 375, 382, 391, 396.

- 98. Supplementary to the act entitled an act to enable the trustees of colleges, academies, universities and other institutions, for the purpose of promoting education, to become bodies corporate, passed April 9, 1852, 367, 374, 422, 438, 440.
- 126. To confirm sales made by the trustees of the civil townships of section 16, and other lands donated by Congress in lieu thereof, to purchasers, 327, 333, 346, 369, 386.
- 135. To amend the act entitled an act to provide for the sale of the Western Reserve school lands, &c., 310, 318, 355, 357, 369, 386.
- 148. To confirm the sale of certain lands therein named, 430, 451, 454.
- 157. To authorize the sale of section 16, of original surveyed township No. 8, range 12, in Morgan county, 311, 318, 322, 353, 366.
- 168. To authorize seminaries of learning to change their names and become colleges, 350, 357, 376, 390, 394, 423, 424.

MISCELLANEOUS—

- 6. Supplementary to the act defining the powers and duties of justices of the peace, and constables in criminal cases, 85, 97, 112, 138, 214, 247, 248, 275, 347, 336.
- 18. To amend section two, of the act to amend an act entitled an act to amend the several acts now in force in relation to the sale of lands forfeited to the State for the non-payment of taxes, passed March 12, 1845, 284, 286, 356, 357, 389, 395.
- 26. To amend the act entitled an act to regulate the fees of officers in civil and criminal cases, passed March 5, 1851, 274, 277, 376, 383, 390.
- 29. To ascertain the number and other facts respecting deaf and dumb, blind, idiots and insane persons, 143, 146, 176, 177, 251, 264, 268, 317, 336.
- 30. To amend section 105, of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases, passed March 14, 1853, 153, 156, 168, 169, 225.
- 34. Supplementary to the act entitled an act for the government of the Ohio Lunatic Asylum, and the care of idiots and the insane, passed March 19, 1850, 132, 134, 176, 177, 180, 182.
- 39. To declare the first range free turnpike in Ashtabula county, a county road, and to repeal a certain act therein named, 155, 159, 181, 186.
- 44. Supplementary to the act providing for the punishment of crimes, passed March 7, 1835, 285, 286, 376, 384, 396, 423, 424.
- 46. Authorizing the Governor to lay out and sell certain portions of the old Penitentiary lot in the city of Columbus, 189, 191, 231, 235, 243, 270, 275.
- 58. To provide for the uniform government and better regulation of the lunatic asylums of the State, 212, 258, 291, 294-5, 296, 298, 300, 317, 329, 367, 389, 395.
- 62. Supplementary to the act entitled an act to provide for draining and reclaiming swamp and overflowed lands granted to the State of Ohio by act of Congress, approved Sept. 28, 1850, passed March 2, 1853, 189, 191, 247, 250, 270, 274.

64. Authorizing the sale of property for charges in certain cases, 285, 286, 376, 385, 407, 412.
65. To amend the act entitled an act authorizing county commissioners to grant further time for the completion of free turnpike roads and paying for the same, 189, 191, 247, 250, 270, 275.
71. Further to amend and supplementary to an act entitled an act securing the benefits of the writ of habeas corpus, 267, 352, 369, 386.
72. Supplementary to the act entitled an act to preserve the purity of elections, passed May 20, 1840, 274, 277, 339, 348, 369, 386.
77. Further defining the duties of coroners, 267, 273, 324, 329, 334, 353, 366, 413.
83. To regulate the admission of attorneys at law in certain cases, 312, 318, 370, 395.
88. Supplementary to the act defining the powers and duties of justices in criminal cases, passed March 27, 1837, 220, 224, 251, 252, 254, 376, 381.
96. To amend the act entitled an act to regulate the election of State and county officers, passed May 3, 1850, 312, 318.
99. To amend the act entitled an act to authorize copies of entries and surveys in the military land district, passed March 19, 1850, 368, 374, 379, 383.
100. Supplementary to the act entitled an act for the inspection of certain articles therein enumerated, passed March 19, 1851, 359, 364, 378.
109. Further defining the duties of county treasurers, 255, 259, 376, 385, 407, 412.
127. To dispense with surveys of lands when the same have been sold in different parcels for the non-payment of taxes, and to authorize a conveyance of the same without such surveys, 395, 397, 399, 423, 424.
139. To provide for the regulation and management of the institutions of the blind, and of the deaf and dumb, 368, 374, 376, 381, 407, 413.
140. Supplementary to the act entitled an act to provide for the division of townships into election precincts, 327, 332, 333, 353, 366.
143. Further to preserve the purity of elections in this State, 350, 357, 392, 402, 437, 442, 445, 447.
147. To amend the 6th section of an act to encourage the killing of wolves, 395, 411, 438, 440.
152. To amend the act entitled an act for opening and regulating roads and highways, passed January 27, 1853, 358, 373, 423, 425.
153. Authorizing the State of Ohio to adopt as a part of the public works of the State that portion of the Sandy and Beaver canal which lies between Bolivar and Sandyville, 328, 333, 401, 417, 431, 438, 440.
156. Providing for the appointment of officers in the Ohio Penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working convicts, 367, 374, 376, 388, 423, 425.
159. To amend the act entitled an act to regulate the inspection of tobacco, passed February 28, 1826, 368, 374, 380, 384, 391, 396.

- 160. To prevent fraudulent transactions in tares and weights, and other abuses herein enumerated, 367, 374, 376, 389, 395.
- 164. To amend the 2d section of an amendatory act, passed May 1, 1854, of the act entitled an act for the relief of the poor, passed March 14, 1853, 368, 373, 389, 395.
- 183. To provide for the enlargement of the Lewistown Reservoir, 367, 375, 389, 395.

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- Clerk, W. T. Bascom, elected and sworn in, 4.
- Clerk, first assistant, Enos Foreman, elected and sworn in, 4.
- Clerk, second assistant, Greenleaf N. Shaw, elected and sworn in, 5.
- Clergymen of Columbus, resolution inviting to open sessions with prayer, 7.
- Constitution, resolution in relation to amendments to, 29.
- Crippen, admitted as reporter for the Cincinnati Times, 29.
- Credentials of members referred to committee on Privileges and Elections, 30.
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Sworn in as Senator, 3.

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BEATTY, JOHN—

Sworn in as Senator, 3.

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Resolution by, instructing Retrenchment committee to make certain inquiries, &c., 110.

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BRAND, JOSEPH C.—

Sworn in as Senator, 3.

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Resolution by, relative to printing the bills of the Senate, 27.

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BRAZEE, JOHN T.—

Sworn in as Senator, 3.

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BROWN, OLIVER P.—

- Sworn in as Senator, 3.
- Nominated John H. Faxon as Sergeant-at-arms, 5.
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- Resolution by, fixing the time of meeting at 9 a. m., 309.
- Resolution by, relative to collection, &c., of the public arms, 371.
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BUCKLAND, RALPH P.—

- Sworn in as Senator, 3.
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BUNDY, H. S.—

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BURNETT, EDMUND—

- Sworn in as Senator, 3.

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CATTELL, J. D.—

Sworn in as Senator, 3.

CANFIELD, HERMAN—

Sworn in as Senator, 3.

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CONVERSE, WM. F.—

Sworn in as Senator, 3.

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GARDNER, DANIEL—

Sworn in as Senator, 3.

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Resolution by, asking for copy of lease of the National Road, 140.

Asked leave to vote on resolution of adjournment, 256.

GRISWOLD, HIRAM—

Sworn in as Senator, 3.

Resolution by, relative to delivery of letters, &c., in the Senate chamber, 7.

Resolution by, to go into the election of a committee on Temperance, 49.

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HAMILTON, C. S.—

Sworn in as Senator, 3.

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29.

- Resolution by, to provide Senators with copies of Curwen's Statutes, 48.
- Resolution by, in relation to copies of Chase's Statutes for the Senate, 72.
- Resolution by, asking auditor for number of white male inhabitants in counties, 198.
- Asked leave to change his vote on amendment to resolution suspending work on State House, 266.
- Joint resolution ordering extra copies of bank bill to be printed, 271.
- Resolution to proceed to elect assistant Clerk, 295.
- Resolution by, relative to specific amendments to the constitution, 305.
- Elected member of Public Works investigating committee, 404.
- Resolution by, proposing to abolish the office of reporter, 415.
- Joint resolution relative to printing extra copies of bank law, 436.
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HARDY, M. D—

Sworn in as Senator, 3.

HAWLEY, C. G—

Sworn in as Senator, 3.

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- Resolution by, relative to enrolling the bank bill, 448.

HEATON, DAVID—

Sworn in as Senator, 3.

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- Resolutions by, in relation to slavery and the late slave case at Cincinnati, 119.
- Resolutions by, relative to the repeal of the Missouri compromise, &c., 152.
- Resolution by, to pay Daniel Dougherty two dollars per day, as fireman, 170.
- Resolution by, to exempt persons from arrest on the 22d February, 189.
- Joint resolution by, to rescind resolution relative to refunding duty on railroad iron, 191.
- Resolution of inquiry relative to sale, &c., of Warren county canal, 268.
- Resolution by, relative to liquors used at the lunatic asylum, 329.
- Joint resolution relative to changes in naturalization laws, 421.
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HOLMES, GEO. W—

Sworn in as Senator, 27.

- Asked leave to record his vote on amendments and passage of S. B. No. 173, 405.

HYER, JACOB—

Sworn in as Senator, 3.

Joint resolution by, relative to duty on railroad iron, 146.

Joint resolution relative to supplying arms to Capt. McCabe, 443.

KELLEY, ALFRED—

Sworn in as Senator, 3.

Resolution by, to refer the question of printing the Governor's message to the committee on public printing, 29.

Resolution by, that judiciary committee inquire and report what amendments are required to the constitution, 29.

Resolution by, on restricting the powers of municipal corporations over taxation, 79.

Resolution by, of inquiry respecting amounts of temporary appropriations, 105.

Moved to go into executive session with closed doors, 111.

Excused from serving on committee on State buildings, 116.

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Resolution by, relative to examination of treasury, &c., by committee of the Senate, 160.

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Resolution by, asking power for Senate committee to send for persons and papers, 189.

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Appointed one of committee to arrange for seats, &c., in new State House, 453.

KIRK, R. C—

Sworn in as Senator, 3.

Nominated Enos Foreman as first assistant clerk, 4.

Resolution by, relative to supplying members with copies of laws and journals, 6.

Resolution by, relative to adjournment of the Senate till the following Tuesday, 125.

Resolution by, relative to liquors consumed in the Columbus lunatic asylum, 164.

Resolution by, asking certain questions of warden of Ohio Penitentiary, 164, 166.

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LAWDER, WM. H—

Sworn in as Senator, 3.

Resolution by, about propriety of exempting parsonages from taxation, 74.

Resolution by, relative to institution to educate idiots, &c., 170.

LAWRENCE, WM—

Sworn in as Senator, 3.

Resolution by, in relation to the condition of the national road, 50.

Elected and sworn as President *pro tem.* of the Senate, 347.

Resolution by, instructing the board of public works to examine the national road, 391.

Asked leave to record his vote on amendments and passage of S. B. No. 173, 405.

Resolution by, thanks to Lieut. Governor Ford, &c., 420.

Resolution of thanks to, as President of the Senate, 425.

LEWIS, JAMES—

Sworn in as Senator, 3.

Resolution by, for the election of a standing committee on the evils resulting from the traffic in ardent spirits, 48.

Resolution by, of thanks to Mr. Auld for copy of his music book, 390.

LUNT, W. S—

Sworn in as Senator, 3.

Resolution by, as to expenses of benevolent institutions, &c., the past fiscal year, 166.

Joint resolution by, relative to printing report of State Board of Agriculture, 228.

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MARSH, FELIX—

Sworn in as Senator, 3.

Resolution by, relative to supplying members with copies of Swan's revised statutes, 29.

Resolution by, in relation to capital punishment, 47.

Resolution by, giving the common pleas exclusive criminal jurisdiction, 49.

Resolution by, of inquiry in relation to wills, &c., 50.

Resolution by, relative to the appellate jurisdiction of the district courts, 51.

Resolution by, in reference to increase of fees of jurors in civil and criminal cases, 52.

Resolution by, in relation to public meeting in New Paris respecting the murder of Barber in Kansas, 68.

Resolution by, relative to the State purchasing copies of Warren's criminal law, 75.

- Resolution relating to sale of the interest of State in canal and railroad companies, 99.
- Relative to repealing a portion of the justices' act, &c., 99.
- Relative to salary of county officers, &c., 118.
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- Resolution by, relative to the introduction of bills, and to adjournment, 157.
- Joint resolution relative to claim of O. P. Boyer, for furniture to Dayton Asylum, 161.
- Resolution by, asking judiciary committee to report certain amendments to the probate laws, 170, 182.
- Resolution relative to the rights of females to their earnings, &c., 177.
- Resolution relative to the hour of meeting, 178.
- Resolution by, inquiring what militia laws are in force, 189.
- Resolution by, as substitute for joint resolution on the Boyer claim, 222.
- Resolution by, relative to an extra session of the Legislature, 240.
- Joint resolution by, relative to adjournment of the Legislature, 255.

MATTHEWS, STANLEY—

- Sworn in as Senator, 3.
- Nominated C. B. Flood as Clerk, 4.
- Resolution by, that the Governor be informed that the Senate has organized &c., 6.
- Joint resolution by, on the same subject, 6.
- Report by, from joint committee to wait upon the Governor, &c., 8.
- Presented the credentials of Geo. W. Holmes as Senator from Hamilton county, 27.
- Resolution by, in relation to parties testifying in their own behalf, 49.
- Resolution by, in relation to manner of summoning jurors, 52.
- Resolution by, relative to power of Legislature to amend charters, &c., 52.
- Resolution by, relative to adjournment of Senate, 81.
- Resolution by, in relation to Bankruptcy, and the rights of Bankrupts, 103.
- Joint resolution relative to improvement of the Ohio river at the Falls, 205.
- Joint resolutions by, relative to action of the Naval Board, &c., 295.
- Protest against the election of O. P. Brown on the Public Buildings' investigating committee, 409.

MUSGRAVE, J.—

- Sworn in as Senator, 3.
- Resolution by, relative to furnishing Ashland county with copies of Swan's statutes, 110.

PHELPS, EDWARD M.—

- Sworn in as Senator, 3.
- Resolution by, in relation to gift enterprises, 87.

- Resolution by, in relation to law to encourage the killing of wolves, 88.
- Resolution suggesting change of manner of appointment of transfer agent in New York, 101.
- Resolution by, to elect an assistant Clerk to act as reporter of the proceedings of the Senate, 151.
- Resolution by, asking certain examinations by committee on corporations, &c., 163.
- Resolution by, relative to Bureau of Statistics, 180.
- Resolutions relative to power to let the public road, and the lease for the National Road, 214.
- Joint resolution by, relative to south fork of six mile creek, Paulding co., 371.
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RUTH, NELSON—

- Sworn in as Senator, 3.
- Resolution by, about rules of Senate, 6.
- Resolution by, to purchase copy of Webster's Dictionary for use of Senate, 146.
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SPENCER, E. A.—

- Sworn in as Senator.
- Resolution by, to refer the Governor's message to a select committee of three, to apportion the same to the several standing committees, 50.
- Amended resolution by, in relation to the O. & P. Railroad, 116.
- Resolution relative to repealing law for printing laws in newspapers, 201.

TAYLOR, LESTER—

- Sworn in as Senator.
- Resolution by, inviting the Clergymen of Columbus to open sessions with prayer, 7.
- Resolution by, in relation to duty of county commissioners in surveying roads, 52.
- Elected president pro tem. of Senate, 68, 162, 452.
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- Obtained leave to withdraw papers from Senate files in the case of Samuel Bowers, 127.
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Resolution by, thanks to Clergymen of Columbus, 434.

TAYLOR, ROBERT W.—

Sworn in as Senator, 3.

Resolution by, that message be sent to House notifying it of the Senate organization, 6.

Resolution by, in relation to amendments to the school law, 74.

Resolution by, in relation to the number of copies of Governor's message and documents to be printed, 76.

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Resolution by, to provide a new chair for the President of the Senate, 134.

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Asked leave to record his vote on S. B. Nos. 13 and 64, 221.

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WARVEL, CHARLES—

Sworn in as Senator, 3.

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Resolution by, relative to supplying Senators with copies of the Militia Laws of Ohio, 83.

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WILLFORD, JOSEPH—

Sworn in as Senator, 3.

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Resolution by, to print 1000 extra copies of the Governor's message, 27.

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- Enclosing H. J. R. relative to joint committee on joint rules, 28.
- Relative to counting the votes for Governor, &c., 31.
- Enclosing joint resolution relative to committee to wait upon Gov. Chase, 49.
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APPENDIX TO SENATE JOURNAL.

REPORT OF THE SELECT COMMITTEE ON RULES.

IN SENATE—January 15, 1856.

The Select Committee on Rules reports the following rules for the government of the Senate:

1. The President shall take the chair every day, at the hour to which the Senate shall have adjourned, and shall immediately call the Senate to order; and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve decorum and order, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions, subject to an appeal to the Senate by any member.

3. He shall examine and correct the Journal before the same shall be read.

4. He shall have the right to name any member to perform the duties of the Chair; which appointment shall not stand beyond an adjournment.

5. There shall, at the commencement of each session of the Senate, be elected the following standing committees, to wit:

On	*	*	*	*	*	*	*
	*	*	*	*	*	*	*
	*	*	*	*	*	*	*

6. All committees except standing committees shall be appointed by the President.

7. The President, or any two members, may have a call of the Senate, and have absent members sent for, unless they, for special reasons, shall be excused by a majority of the members present.

8. That as soon as the Journal shall have been read, the President shall call, first, for the presentation of petitions; second, the reports of standing committees; third, reports from special committees: Bills for the second reading shall next be disposed of; then, bills for the third reading; next, the messages received from the House of Representatives; and then the President shall announce the orders of the day.

9. If any member transgress the rules of the Senate, the President shall, or any member may, call to order; in which case, the member called to order shall immediately sit down unless permitted to explain, and the Senate, if appealed to, shall decide the question of order; and if called to order for words spoken, the words excepted to shall immediately be reduced to writing, by the Senator making the question of order, if required to do so by the President.

10. All questions shall be put in this form, to wit: "You who are of the opinion that (as the question may be) be agreed to, will say Aye; and those of the contrary opinion say No." And in doubtful cases the President may direct, or any member may call for, a division.

11. Every member present when a question is put, shall vote, unless he shall, for special reasons, be excused by a vote of the Senate.

12. Every motion shall be reduced to writing, if the President or any member desire it.

13. A motion to adjourn or take a recess shall always be in order, unless a member is speaking, but being decided in the negative, shall not be in order until some motion, call, order, or discussion shall take place.

14. When a member is about to speak, he shall rise in his place and respectfully address the President; and when a member is speaking, no member shall pass between him and the Chair.

15. No member shall speak more than twice on any question without leave of the Senate.

16. After a motion is made and seconded, it shall be stated by the President, it shall be deemed in the possession of the Senate, but may be withdrawn at any time before a decision or amendment, by the consent of the Senate.

17. When a motion is under debate, no motion shall be received unless to adjourn or take a recess; to take the previous question; to lie on the table; to proceed to the orders of the day; to postpone to a day certain; to postpone indefinitely; to commit or amend; which motions shall have precedence in the order in which they here stand.

18. The "previous question" shall be put in these words: "Shall the main question now be put?" and it shall be admitted on the demand of three members, and until decided shall preclude all amendments or debate; and when it shall have been decided that the main question shall now be put, no motion, call or order shall intercept the vote, except one motion to adjourn and one motion to take a recess.

19. A member may call for a decision of the question, which shall be divided if it comprehends questions so distinct that one being taken away the rest may stand entire for the decision of the Senate.

20. No committee shall absent themselves from the Senate chamber by reason of their appointment, during the sittings of the Senate, without leave.

21. If on the first reading of a Bill, objection be made to it, the question shall be "Shall the Bill be rejected?" If no objection be made, or if the question to reject be lost, the Bill shall go upon the table to be printed, and as soon as printed, shall be laid on the members' tables, and go to a second reading without further question, when Bills for a second reading shall be in order.

22. Upon the second reading of a Bill, the President shall state that it is ready for commitment or engrossment, and if no motion be made, the President shall commit it to the committee of the whole, and make it the order of the day for that day, and if the Bill be ordered to be engrossed, the Senate shall determine the day upon which it shall be read a third time.

23. When a question is lost on engrossing a Bill for a third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day, unless a division be called for; but if on a division, the question on engrossing a bill without including the time for a third reading, shall fail, the Bill shall be considered as lost.

24. When a Bill is engrossed, the President shall at the time previously appointed by the Senate, announce it as ready for a third reading, and if no objection be made, it shall go to a third reading without question.

25. A Bill after commitment and report thereof, may be re-committed at any time previous to its passage.

26. In forming the committee of the whole, the President shall leave the Chair and appoint a Chairman to preside. In committee of the whole, Bills shall be read by the Chairman or Clerk, and considered by sections, (unless otherwise directed by the Committee.) The body of the bill shall not be defaced or interlined. All amendments shall be noted by the Chairman or Clerk on a separate piece of paper, as the same shall be agreed to by the committee, and so reported to the Senate; after being reported, the Bill and amendments shall be immediately considered, unless otherwise ordered by the Senate, and again be subject to a vote, discussion and amendment, before the question to engross the Bill be taken.

27. In filling blanks, the largest sum, and the longest time shall be put first.

28. The rules of proceeding in the Senate, shall be observed in committee of the whole, so far as they may be applicable, except the fifteenth rule.

29. In all cases, in the absence of the Lieutenant Governor, when the Senate shall be equally divided, the question shall be lost; but a re-consideration may be moved by any member voting in the affirmative.

30. A motion to reconsider a vote shall be deemed out of order after the expiration of two days of actual session from the time such vote was taken. All motions for reconsideration shall come from a member voting in the majority, except when the Senate shall be equally divided, or where a Bill shall fail on its final passage for want of the number of votes required by the Constitution to carry the affirmative, in either of which cases the motion to reconsider may be made by any member who voted on the question.

31. Every Report of a committee or other communication presented and received, shall be taken up and read without motion, unless otherwise ordered by the Senate.

32. The interval between the morning and evening session of the Senate shall be termed a recess; and on re-assembling on the same day, any question pending at the time of taking such recess, shall be resumed without motion to that effect.

33. No Bill shall at any time be amended by striking out all after the enacting clauses, substituting therefor any other Bill containing matter whose tenor and general character is entirely different from the subject matter of such Bill.

34. Motions to adjourn; to take recess; to take the previous question; to lay on the table; to take from the table; to go into committee of the whole, shall be decided without debate.

35. No Senator shall vote on any question in the event of which he is immediately and particularly interested.

36. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by a vote of the Senate: the question being stated "shall the reading be dispensed with?" Provided nothing in this rule shall be so construed as to prevent Senators from reading papers in argument according to parliamentary usage.

37. When a Resolution shall be offered or a motion made to refer any subject, and a different Committee shall be proposed, the question shall be taken in the following order: The Committee of the whole House: a standing Committee: a select Committee.

38. One day's notice, at least, shall be given of an intention to bring in a Bill. All bills after the first reading, shall be printed (as directed in Rule 21) unless otherwise ordered by the Senate; and every Bill shall be introduced on the Report of a Committee, or on notice or leave.

39. All Reports of Committees shall be signed by such members thereof as concur therein.

40. When the Senate shall be ready to proceed to the orders of the day, a motion to go into Committee of the whole, on the orders of the day, shall have precedence of all other motions, except to adjourn or to take a recess.

41. Jefferson's Manual shall be received as a Rule in all cases not provided in the foregoing Rules.

42. These Rules shall not be altered without at least one days notice of the intention of such alteration having been previously given, stating the particular alteration or amendment proposed.

43. That if a joint convention of both Houses should take a recess beyond the regular time of adjournment by the Senate, that it shall be proper for the Senate to return to their chamber and proceed to business, a motion to that effect having been previously agreed to.

44. The Clerk shall, after calling the yeas and nays, read over the names of those voting in the affirmative, and those voting in the negative, before the vote is declared.

REPORT

OF THE

STANDING COMMITTEE ON BENEVOLENT INSTITUTIONS.

The Committee on Benevolent Institutions, to whom was referred House Resolution of January 24, 1856, as follows:

Resolved, That the Standing Committee on Benevolent Institutions be instructed to report to this House as early as may be practicable—

1st. The whole amount of money expended for the support of the Benevolent Institutions of the State during the past two years;

2d. The whole amount of indebtedness of said Institutions for support;

3d. The amount of money necessary for their support during the coming two years,

Be it leave to submit the following

REPORT:

That your committee have neither time nor opportunity to examine the various contracts, books and vouchers in relation to the business transactions of the several offices charged with the duties pertaining to their Institutions. But according to statements made your committee, by the Secretary to the Trustees for the several Benevolent Institutions, located at the city of Columbus, and the Annual Report of the Trustees of the Lunatic Asylums at Newburg and Dayton, the facts solicited in the foregoing resolution, appear to be as follows:

EXPENDITURES.

The whole amount of money expended for the support of these Institutions, and the sums paid for building and furnishing purposes, are—

For household expenses of Ohio Lunatic Asylum

for 1854.....	\$42,306 30	
do do do for 1855	41,921 40	
		\$84,227 70

For the Deaf and Dumb Asylum—

The expenses for support were, for 1854.....	\$14,901 59	
do do for 1855.....	14,838 03	
		29,739 62

For the Blind Asylum—

The expenses for support were, for 1854	\$11,828 66
do do for 1855	13,331 80

\$25,160 46**ASYLUM AT NEWBURG.**

The amount paid on contract for building, was..	\$62,849 07
Amount for Architects, traveling expenses, fees, Superintendences, &c	1,044 35
For heating apparatus, plumbing, sewers, gas works, pipes and fixtures, steam engine, &c.	25,000 00
For bedsteads, beds, bedding, chairs, table ware, kitchen utensils, salaries, provisions, &c., \$13,705.58, as reported by the Superinten- dent; and \$8,294.42 by the Trustees, for various purposes — making	22,000 00

110,893 42**ASYLUM AT DAYTON.**

The amount paid on contract for building, was..	\$67,350 50
For architects, superintendent of the work, &c.	991 81
For heating apparatus, plumbing, &c.....	25,000 00
Furnishing Asylum.....	12,232 58
Salaries, fuel, and provisions.....	4,135 28

\$109,710 17
1,608 19

108,101 98

Leaving a balance in Treasury, of \$5,632.14 ; out
of which sum a bill for furniture, amounting
to \$1,028.68, remains unpaid — deducting
which, reduces the balance in the Treasury
to \$4,602.46.

Total.....	\$358,123 18
Add amount of indebtedness, as appears below..	146,189 44

Grand total of expenditures past two years**\$504,312 62****OUTSTANDING DEBTS.****OHIO LUNATIC ASYLUM.****The debts are as follows :**

1st. Deficiencies in the appropriation for the sup- port of the Asylum for 1854 and 1855.....	\$9,897 20
2d. Old debt of several years standing	7,000 00
3d. Debt for steam heating apparatus.....	4,500 00
4th. Debt for water closets.....	1,500 00
5th. Debt for heating apparatus.....	1,128 21

\$24,025 41

DEAF AND DUMB ASYLUM.

The debts on the 15th of November, 1855, were \$3,488 00

BLIND ASYLUM.

The debts amounted to 2,300 00

LUNATIC ASYLUM, NEWBURG.

The debts appear to be as follows :

1st. For heating	\$22,773 08	
2d. For plumbing	10,287 85	
3d. For gas apparatus	3,812 60	
4th. For cook range, &c.....	654 00	
	<hr/>	
	\$37,527 53	
From which deduct appropriation.....	25,000 00	
	<hr/>	12,527 53
5th. For necessaries to Asylum	4,372 49	
6th. For furniture and labor	3,656 24	
	<hr/>	8,028 73
7th. Amount allowed for extra work & materials		23,468 09
		<hr/>
Total debt, as appears by the report.....		\$44,024 35

To the above sum, however, of \$44,024.35 should be added, if the committee have not been misled by the report, the following balance, due on contract for building, showing a discrepancy to the extent of.....

6,950 93

Total debt, in the opinion of the committee,

\$50,975 28

LUNATIC ASYLUM AT DAYTON.

The debt appears to be as follows :

1st. For heating	\$5,266 06	
2d. Plumbing	8,149 04	
3d. Gas works	116 75	
4th. Cisterns	6,475 90	
5th. Miscellaneous	708 00	
6th. Expenditures, per diem of committee, &c....	125 00	
7th. Per diem and expenses of Trustees.....	3,361 89	
8th. Superintendence of work	698 11	
9th. Extra work, and materials furnished for building	40,500 00	
	<hr/>	65,400 75

RECAPITULATION.

Debts of the Ohio Lunatic Asylum.....	\$24,025 41
do Deaf and Dumb Asylum	3,488 00
do Blind Asylum.....	300, 00
do Asylum at Newburg.....	\$50,975 28
do Asylum at Dayton.....	65,400 75
	<hr/>
	116,376 03
	<hr/>
Total indebtedness.....	\$146,189 44

Amount of money necessary for support of the several Institutions above named during the coming two years.

OHIO LUNATIC ASYLUM—

For 1856	\$41,000 00	
For 1857.....	41,000 00	
	<hr/>	\$82,000 00

DEAF AND DUMB ASYLUM—

For 1856	\$20,050 00	
For 1857.....	20,650 00	
	<hr/>	40,700 00

BLIND ASYLUM—

For 1856.....	\$13,000 00	
For 1857.....	13,000 00	
	<hr/>	26,000 00

ASYLUM AT NEWBURG—

For 1856.....	\$32,000 00	
For 1857.....	30,000 00	
Bill remaining unpaid	4,372 49	
	<hr/>	66,372 49

ASYLUM AT DAYTON—

For 1856.....	\$25,000 00	
For 1857	22,000 00	
	<hr/>	47,000 00

Total amount for support.....		\$262,072 49
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If the total amount of debt, (\$146,189.44) due from the several Institutions, be added to the above sum of \$262,072.49, asked for the support of the aforesaid Institutions, then the total appropriation required to meet all demands in the coming two years, will be \$408,261.93.

All of which is respectfully submitted, &c.,

NELSON FRANKLIN,
ISAAC BRAYTON,
THOMAS S. BUNKER,
J. F. THOMPSON.

REPORT

OF THE

STANDING COMMITTEE ON RAILROADS AND TURNPIKES.

IN RELATION TO THE SANDUSKY TURNPIKE COMPANY.

The Standing Committee on Railroads and Turnpikes, to whom was referred the memorial of the stockholders of the Columbus and Sandusky Turnpike Company, have had the same under consideration, and find all the facts touching the creation of said corporation, on the 21st January, 1826, and its operations up to 28th February, 1843, when its charter was repealed by an act of the General Assembly, briefly and correctly stated in the special Report of Henry Stanbery, Esq., as Attorney General, made to the General Assembly, on the 8th December, 1847—which is herewith presented and made part of this report.

The Report above referred to, shows that the stockholders of the Company, on the 8th December, 1847, had a fund including interest to that date of \$19,093 00 invested in said Road. Your committee, however have no facts before them tending to show the *actual value* of the Road at the time of the repeal of the charter, and as that value may have been very much less than the unrealized fund invested in the Road, they have deemed it proper, in order to arrive at what is right and just in the matter, to report the accompanying bill and to recommend its passage.

JOS. C. BRAND,
JNO. T. BRAZEE,
H. S. BUNDY.

SPECIAL REPORT
OF THE
ATTORNEY GENERAL,

In relation to the Columbus and Sandusky Turnpike Company.

ATTORNEY GENERAL'S OFFICE,
November, 15, 1847. }

SIR :—I enclose a special report to the Legislature, in reference to the Columbus and Sandusky Turnpike Road Company, in conformity with a resolution of Feb. 5, 1847.

Very respectfully,

HENRY STANBURY.

The Honorable the SPEAKER of the Senate.

ATTORNEY GENERAL'S OFFICE,
Columbus, Dec. 8, 1847. }

To the General Assembly of the State of Ohio :

In conformity with the resolution of the General Assembly, passed February 5th, 1847, requiring the Attorney General to examine into the facts upon which the stockholders of the Columbus and Sandusky Turnpike Company claim relief from the State, and to report his opinion thereupon, and the reasons for that opinion—I beg leave to submit the following report:

First, as to the facts :

On the 21st January, 1826, (vol. 24, Local Laws 66) this company was incorporated, with a capital of \$100,000, with the privilege of enlarging the same to \$200,000, with authority to make a road from Columbus, through the town of Delaware, to Sandusky City.

The 7th section provides that the width of the road shall not exceed one hundred feet, "at least eighteen of which shall be made an artificial road, composed of stone, gravel, wood or other suitable materials, well compacted together, in such manner as to secure a firm, substantial and even road, rising in the middle with a gradual arch," to be kept in good repair, and that the extreme grade shall not exceed five degrees.

The 8th section provides, that as soon as the road shall be completed, or any part thereof, not less than ten miles in length, the same is to be examined by an agent, to be appointed by the Legislature or the Governor, and upon his report to the president of the company, that the road, or any ten miles thereof, is completed agreeably to the act, the company may erect gates and take tolls agreeably to the act.

The 9th section establishes a rate of tolls, with a proviso that the Legislature may, after the expiration of ten years from the completion of the road, alter the rate.

The 11th section provides, that if the company fail to keep the road in good repair, for ten days in succession, upon complaint to a justice of the peace, an inquest of three freeholders is to be summoned, who, upon oath, are to examine the road, and if they certify to the justice that it is out of repair, no toll is to be taken for the part of the road out of repair under the penalty of five dollars for every offence, to be recovered for the use of the person aggrieved.

The 15th section requires the company to keep an account of the expenses of making and repairing the road, and of all incidental expenses, and an account of

the toll received; and secures to the State, or the counties traversed by the road, the right to purchase it, on paying the company a sum equal, with the toll received, to the expenditures, with interest at the rate of 12 per cent. per annum.

The 16th section provides that if the company shall not, within two years from the passage of the act, proceed with the work, or within four years thereafter complete the road according to the meaning of the act, it shall, in either case, be lawful for the Legislature to resume all rights, liberties and privileges granted by the act.

The records of the company show that the company was organized, and recognized the act of incorporation, by articles of association bearing date on the same day the act was passed,—and that prior to the 12th April 1827, five hundred and two shares of the stock had been subscribed, and the company was fully organized by the election of directors.

On the 3d of March, 1827, the United States appropriated to the State of Ohio, "for the purpose of aiding the Columbus and Sandusky Turnpike Company in making a road from Columbus to Sandusky City, a quantity of unsold public land along the line of the road, with a proviso for exemption from toll of the mail stages, or the troops or property of the United States."

By an explanatory act passed April 17, 1828, it is declared that the quantity so granted shall consist of 49 sections.—United States Statutes at large, vol. 4, 242, 263.

On the 12th April, 1827, the company passed a resolution accepting this grant of land, with the condition attached to the grant.

It appears from the records of the company, that the original petition to Congress for the grant of land, was at the instance of the stockholders of the company, and that the explanatory act of Congress was passed in consequence of a memorial by the company.

On the 12th of February, 1828, the General Assembly passed an act on the subject of this grant.—26 vol. Gen. Laws, 74.

The 1st section declares, that the land so granted by Congress shall be for the use and benefit of this company, and for the purpose specified in the act of Congress, and for no other purpose.

The second section authorizes the company to sell land for money or labor, to be expended on the road, the amount of the sales to constitute stock to be denominated "land stock," and to be so entered on the books of the company.

The 3d section provides, that the tolls or profits of the road shall be annually divided, by dividends to the land stock and the stock of the corporators in just proportion, and as to the tolls on the travel or transportation of mail stages, troops and property of the United States, an account shall be kept thereof, and the amount shall be divided to the land and company stock in like proportion, and the company shall have the right to take from such tolls divided to the land stock, so much as will pay the company's part of said tolls, and the residue of all tolls and profits assigned to the land stock, shall annually be applied to the improvement of the road.

The 4th section requires annual report to the Legislature from the company of their proceedings, and an account of all moneys expended in the construction and repair of the road, and of all tolls received under the provisions of that act.

The 6th section declares that any future Legislature may make further provisions to secure the application of the proceeds of said land to the construction of the road, and may regulate the rate of tolls prescribed in the charter, whenever the net proceeds of tolls shall equal the individual stock actually paid in, together with six per cent. per annum thereon.

During the year 1827, surveys of the route of the road were made, and in September of that year, the northern section from Bucyrus to Sandusky City was, in part, put under contract, and the work was commenced immediately.

On the 12th February, 1829, a supplementary act was passed by the General Assembly, authorizing the company to raise money for the construction of the road by mortgaging not more than 15,000 acres of the land granted by Congress, at not less than 60 cents per acre.—Gen. Laws, vol. 27, 60.

It does not appear that the company availed itself of this privilege.

On the 10th May, 1833, Nathan Merriman was appointed by the Governor, on the application of the company, to examine the road agreeably to the 8th section of the charter.

This agent made two reports to the president of the company. The first bears date Oct. 1, 1833, and certifies that the agent had carefully examined seventy miles of the road from Sandusky Bay south, and that, in his opinion, the same was completed agreeably to the provisions of the charter. The second report bears date Nov. 25, 1834, contains a similar certificate, as to an additional portion of the road thirty-six miles south of the foregoing—both reports covering the entire road, 106 miles in length.

On the 3d of March, 1834, an act was passed by the General Assembly for the prevention of injuries to the Columbus and Sandusky Turnpike road, and for other purposes.—Gen. Laws, vol. 32, 45.

This act imposes penalties for injuries to the mile stones, toll boards, gates, culverts and bridges of the company; and the 6th section extends the time for finishing the road, then in a course of construction, until the 1st Oct. 1835.

On the 12th January, 1835, a resolution was passed by the General Assembly, which, after reciting that it appeared that the company had already made most of the road, and that a large portion of the lands donated by Congress had been bartered for work on the road, at the rate of from 15 to 25 per cent. more than the cash value of the work, and that such excess ought to be charged to the land stock—it is resolved, that the said lands sold and unsold, shall be computed at \$1 40 per acre, and credited to the State, on the books of the company, as so much land stock, free from all charges to the State.—Local Laws, vol. 33, 440.

On the 7th March, 1842, a resolution was passed directing the Prosecuting Attorney of Franklin county to file, on or before the 1st of May then next, in the Supreme Court of said county, an information in the nature of a quo warranto, against this company, alledging—

1. A forfeiture of the charter for the non construction of a turnpike road, of the materials required by the charter.

2. For a deficiency in the width and grade, as required by the charter.

3. For not having kept the road in repair.

4. For keeping up the gates and taking tolls after the road had been found by inquest to be out of repair, without putting the same in repair—That in the mean time, from the filing to the hearing of the information, the company should open the gates for the free passage of travelers, or upon their neglect so to do, that the Prosecuting Attorney should file an injunction bill against the company, praying the court to stay all collection of tolls until the decision of the information, which injunction the court is required to allow.—Local Laws, vol. 40, p. 228.

On the 28th February, 1843, the act incorporating this company was unconditionally repealed, and it was further provided, that it should not be lawful, thereafter, for said company to erect or keep up any gate, or collect any tolls on the road.—Local Laws, vol. 41, 104.

At the same session, on the 13th March, 1843, commissioners were appointed to lay out and establish a State road, having the same *termini* and intermediate points as the road of the company.—Local Laws, vol. 41, 227.

On the 12th March, 1845, an act was passed declaring that the road from Columbus to Sandusky City, known as the Columbus and Sandusky Turnpike road, shall be a public highway, authorising the county commissioners of each county through which the same passes, to cause the same to be repaired, in a reasonable manner.

The 2d section provides, that whenever any company then or thereafter to be incorporated, for the purpose of constructing a plank, McAdamized, or other permanent road, from Columbus to Sandusky City, should actually proceed to carry their improvements into operation, that then the provisions of this act should be void so far as it respects that portion of the road which the company aforesaid may take possession of, in pursuance of the provisions of their charter."—(Local Laws, vol. 43, 388.)

I find in the journals of both branches of the General Assembly, annual reports by the company as to the sales of the land, the progress made in the construction of the road, the tolls received, &c.

It appears from the reports, and the records of the company, that the entire quantity of the land donated by Congress, amounted to 31,340½ acres, which lands were all sold prior to Dec. 31, 1835, and constituted a "land stock," at the price of \$1 40 per acre, amounting to the sum of \$43,877 22½. The land appears to have sold at a greater average rate than \$1 40 per acre, and to have realized the sum of \$5,965 51½ beyond the amount carried to land stock. This surplus was carried to the account of "stock in common," and subsequently apportioned, as stock, to each stockholder ratably.

It further appears, from the books of the company, that the total expenditure in the construction of the road, including contingent expenses, was \$74,376 52½. That the amount of cash paid on stock subscribed, was \$23,000. The residue of the cost of construction was paid by proceeds of the lands donated by Congress, other donations, interest received, and relinquished and forfeited stock.

The whole amount of the tolls set apart to the land stock, has been annually expended in repairs; and beyond that amount, the sum of \$2,126 80 has been expended for repairs out of the tolls set apart upon the individual stock.

Dividends have been declared and paid annually, from 1836 to 1843 inclusive; the total of which is, \$19,427 19.

Upon examining the files and records of the Supreme Court in Franklin county, to ascertain what proceedings have been had against the company under the resolution of March 17, 1842, I find the following:

On the 29th April, 1842, the Prosecuting Attorney of Franklin county filed in said court an information in the nature of a *quo warranto* against the company, alledging therein the four causes of forfeiture or violation of charter, enumerated in the resolution.

The company answered the information, by way of plea, protesting that they had, in all the particulars alledged, complied with their charter, and setting up the acceptance of the road as made by the agent appointed by the Governor.

A bill in chancery was also filed by the Prosecuting Attorney, praying that until the hearing of the information, the company might be enjoined from taking tolls, and setting out the resolution of March 7, 1842, which required the allowance of the injunction. On this bill is indorsed a refusal by Judge Lane, to allow the writ until after the hearing.

The company, mean time, had filed a bill, and obtained the allowance of an injunction from an Associate Judge of Franklin County Common Pleas, to enjoin the Prosecuting Attorney from taking any steps to open the gates on the road, or from any interference with the company except on the *quo warranto* proceeding. This last bill was filed in the Common Pleas, but was taken by appeal to the Supreme Court.

At the December term 1843, of the Supreme Court for Franklin county, the three cases were disposed of as follows :

The injunction in the case of the company against the Prosecuting Attorney, was made perpetual.

The bill praying an injunction, filed by the Prosecuting Attorney, against the company, was, by consent of parties, dismissed.

The information in the nature of a *quo warranto*, stood without replication to the answer or plea of the company, and was, with the assent of the Prosecuting Attorney, dismissed.

The foregoing comprise all the facts relating to this company, and upon which it claims relief ; which, upon a careful investigation of the legislation, the books of the company, and the judicial proceedings, I have been able to collect.

The resolution further requires an opinion upon these facts, and the reason for the opinion.

The claim is for relief to the company, in consequence of an alledged violation of its rights by the Legislature.

The violation is understood to be the repeal of the charter, and the appropriation of the road to the public use.

After the most careful consideration of the act of February 28, 1843, repealing the charter, and the act of March 12, 1845, declaring the road a public highway, without any provision for compensation to the company, I can entertain no other opinion than that both the acts are in violation of the rights of the company.

No reason is assigned in the repealing act for the repeal ; but, it is to be inferred, that the Legislature proceeded upon the grounds assigned in the resolution of March 7, 1842, directing the *quo warranto*.

These were, the alledged failure to construct the road of the materials or of the dimensions required by the charter, the failure to keep it in repair, and the keeping up the gates and demanding tolls upon parts of the road condemned as out of repair, by the inquest required by the charter.

All these were questions of fact, to be established in the course of judicial proceedings, according to the settled rules of evidence, and unquestionably were proper for examination upon *quo warranto*.

There is only one of the grounds which, in reference to the charter, can be assumed as a ground for repeal, and that is the failure to construct the road of the proper materials.

The 7th section of the charter provides, that at least eighteen feet of the road "shall be made an artificial road, composed of stone, gravel, wood, or other suitable materials, well compacted together, in such manner as to secure a firm, substantial, and even road, rising in the middle with a gradual arch."

The 18th section provides, that if the company shall not, within four years thereafter, complete the road according to the true intent and meaning of the act, "it shall be lawful for the Legislature to resume all the rights, liberties, and privileges granted by this act."

I find in the records of the company, that as early as July 3, 1827, it was determined that the material for the road should be clay, and that the vegetable mould should be removed. The commissioners appointed to locate the road, and make the estimates, report as follows : "Owing to the difficulty of procuring stone and gravel to face the road on the whole route, and wood being deemed an improper material for that purpose, both as it respects cost and durability, and that article also being scarce in many parts, it is believed that the road can be made only of clay, with the means at the disposal of the company."

"The act of incorporation admits of any material being used in the construction, which will make a compact road ; and it is supposed that clay can be so compacted as to answer the purpose."

Whether this was a correct construction of the meaning of that clause of the charter, admits of some question, though it is difficult to say, after the enumeration of stone, gravel and wood, what is meant by "*other suitable materials*," to make a firm, substantial road, if clay is to be excluded.

But, however that may be, it is quite clear the road was made of clay ; and, *as made*, was accepted by the agent appointed by the Governor, as a road completed according to the provisions of the charter ; and, for about ten years the company was in receipt of tolls, making annual reports to the Legislature.

All this would well amount to a waiver of any supposed non-compliance with the charter in respect to the materials with which the road was made.

Even if it were granted that the reservation in the 16th section of the charter, implies a right of repeal for the non-completion of the road as required, and that the road was not in fact so completed ; yet, in view of these subsequent matters, the supposed right of repeal must be considered as abandoned.

As to the failure to keep the road in repair, a remedy for that is provided in the charter, and there is no reservation for future legislative action in that particular.

I am therefore of opinion that a wrong has been done this company, by the summary repeal of their charter, and the application of their property to the public use.

What measure of relief or reparation should be adopted, will of course rest with the Legislature.

It does not appear that the company has taken any steps to test the constitutionality of the repeal. That is a measure of relief within the power of the company, in order to which it would be necessary to re-establish their gates, and make the question with some individual upon their right to demand toll.

I do not see, from the memorial of the company, what distinct relief is asked from the Legislature—whether it is to proceed upon the footing of mere indemnity for actual loss of capital invested—or the restoration of their charter and corporate property, with incidental compensation for temporary loss.

If relief is sought in the way of indemnity for actual loss, it would seem from the books of the company that the account would stand as follows :

The capital actually paid in, was.....	\$23,000 00
Interest upon the same from the first of January, 1830, averaging payments as to time,.....	24,840 00
	<hr/> \$47,840 00
Tolls received and divided.....	\$19,427
Interest from January 1, 1840, which may be assumed averaging the dividends as to time,.....	9,320
	<hr/> \$28,747 00
Actual loss on capital invested,.....	<hr/> <u>\$19,093 00</u>

If the payment by the State of this balance should meet the approbation of the Legislature and the company, it should be made to operate as an extinguishment of the charter, and a surrender of the road to the State in the way of purchase.

The 15th section of the charter reserves to the State, or the counties traversed by the road, the right of purchase, on paying the company a sum equal, with the

tolls received, to the expenditures, with interest at 12 per cent. ; so that a purchase according to the charter would be much more against the State than upon the footing of mere indemnity.

It is also proper to say, in view of a restoration of the charter, and of the repeal of the acts interfering with it, that the time has arrived, at which the Legislature may exercise a control over this company in the matter of tolls.

Respectfully submitted,

HENRY STANBERY,
Attorney General.

R E P O R T
OF THE
COMMITTEE ON STATE BUILDINGS

**RELATIVE TO THE TERMS OF OFFICE OF THE STATE HOUSE
COMMISSIONERS.**

Mr. Rush, from the majority of the Standing Committee on State Buildings, (Mr. Lawrence being absent,) to whom was referred the accompanying resolutions :

1st. The Resolution of Mr. Kelly, instructing said committee to inquire, and report, whether there is, at present, any law in force creating the office of State House Commissioners, and if, in their opinion, there be no such law, to report a joint resolution, declaring that fact, and prevent the receiving of any materials and work, under any existing contract, &c., until authorized by law.

2d. The Resolution of Mr. Brasee, also instructing said committee to inquire into the expediency—*First*, of raising a commission of skillful architects to determine upon the issues, &c., between the present and former architect of the new State House, and to procure the advice of said commission respecting the most appropriate mode of internal finish of said State House ; and, *Secondly*, of instructing the State House Commissioners to discharge all persons employed about said building, to make no further contracts, or expenditures, &c., until the further pleasure of the General Assembly, &c.,

Have given the subject embraced in said resolutions, such consideration as their time would allow them, but not that thorough examination which the subject, from its importance, demands, and now beg leave to

REPORT :

FIRST—Upon Mr. Kelly's resolution, respecting the existence of a law creating the office of State House Commissioners.

That the act of March 18, 1852, creating the office of State House Commissioners, is the last act of the General Assembly, upon that subject, which is found in Curwen's Revised Statutes, pages 1753, 1754 and 1755, which is defined by its title, to be "An act to provide for the more efficient and expeditious completion of the new State House," &c.

Your committee admit, that upon a strict and literal construction of said statute, it appears somewhat ambiguous, and leaves it doubtful whether it remained in force after the expiration of two years, from the first appointment under said act. But we apprehend the true and established rule in the exposition of statutes is, that the intention of the Legislature is to be deduced from a view of the whole, and every part of the act, taken and compared together, which should prevail over the literal sense of terms, and every statute should be construed with reference to its object, and subject matter, so that it may have a reasonable effect, and secure and carry out the purposes contemplated by the Legislature.

The intention of the General Assembly, in the passage of this law, was certainly that which is expressed in its title—"to provide for the more efficient and expeditious completion of the new State House," &c., which is, by no means, an unimportant item in serving to show the general scope and purport of the act, and especially since the provisions of our present Constitution require that the subject of a bill shall be clearly expressed in its title; and we are of opinion said statute continues and remains in force for the purposes contained and expressed in said act; that any other construction, limiting its operation to two years only after its date, would fail in carrying out the objects of said law, from the very nature of the subject contemplated by its provisions, and thereby lead to the most absurd and disastrous results to the public and contractors—a construction, involving such consequences, should be avoided, if the words and subject of said act will admit of it.

Let us examine the body of said act more particularly. The second section provides that there shall be appointed, &c., three Commissioners, to be denominated "The New State House Commissioners," under whose direction the work upon the new State House, in the city of Columbus, "shall be continued and prosecuted," &c. Without a continuance of this statute, the work on said building could not have been *continued* and *prosecuted* after March, 1854, as required by this law, and thus far failed in its object.

The third section provides that the Commissioners shall hold their office for the term of two years, unless the State House should be sooner completed, &c. This, we think, merely fixes the term of office to two years, and not the office, and that in case the building should be completed, during any one term of two years, before expiration of the term, the completion should terminate the office.

The second section creates the office of Commissioners, the manner of their appointment, and the object and purposes thereof.

The third section defines the term the appointees shall hold when appointed.

It is also provided, in the fifth section, that the Superintendent shall, under the directions of the Commissioners, contract for, and procure *all* the materials proper for the *construction* of the new State House, and shall, in like manner, contract for all labor and workmanship, necessary for the same, &c., and shall superintend the construction, &c., so as to secure to the State a building of durable and substantial character. This could not have been accomplished upon a limited construction of said statute.

And, further, said Commissioners are authorized and empowered, by the seventh section, to select from any new convicts in the Penitentiary, such persons as in their opinion can be most advantageously to the interests of the State employed upon the new State House, until its completion, thereby clearly showing the meaning of

the General Assembly to continue the provisions of said law until the completion of the building.

It is also, provided, in the ninth section, that said Commissioners shall always constitute a board, &c.

As further evidence of this construction, your committee refers to the history of the Legislature of the State upon this subject, and more particularly to the general appropriation law, passed May 1st, 1854, in which large appropriations were made to be expended upon the construction of said State House for 1854 and 1855, and the manner and mode of expending said money, whereby the office and existence of State House Commissioners are clearly referred to, without which said appropriation must have failed of its legitimate and proper application, without any legal responsibility on the part of the pretended officers.

Contemporaneous and subsequent legislation upon the same subject, is often referred to, and affords strong evidence of the intention of the Legislature in other acts upon the same matter.

SECONDLY—In regard to the second inquiry, addressed to your committee, respecting the expediency of raising a commission of architects, and the suspension of work, &c., we remark that, so far as such commission might be called upon to determine mere matters of architectural taste, in controversy between the present and former Architect, it would be of but little practical importance. But there are questions connected with the exterior and interior completion and finish of the new State House, which involve large expenditures of public money, and which, therefore, demand serious consideration.

In December, 1844, commissioners acting under the authority of the General Assembly, reported to that body, then in session, a plan for the erection of a new State House, commensurate with the wants of and future greatness of the State of Ohio. They accompanied their report with specifications, and with estimates in detail of the anticipated cost. We are informed, by the report of said commissioners, that their estimates were prepared with great care and accuracy, by a competent and skillful architect, and were reliable, which anticipated cost of an edifice erected in pursuance of the plan and specifications of these commissioners, was the moderate sum of \$361,235, and the smallness of this sum, in comparison with the great object to be obtained was urged upon the Legislature at that and succeeding sessions, as a reason why the work should be prosecuted.

It will be proper here to remark, that the original work was commenced in 1838, but was subsequently suspended by a repeal of the law authorizing the undertaking, and that the report of the commissioners above alluded to, contemplated a very essential modification of their original plan.

It will not be necessary here to refer to the history of legislation upon this subject prior to the year 1846. On February 21, 1846, the General Assembly passed an act to provide for the erection of a new State House. In the first section of said act occur these words: "And that the plan presented to the last Legislature accompanying the report of the commissioners acting under a joint resolution of the General Assembly of the year one thousand eight hundred and forty-three and four, be and the same is hereby adopted for the said new State House: *Provided*, that the said commissioners may make such modifications in the details of the said plan during the progress of the work, as they may deem expedient and proper. *Provided, however*, such alterations shall in no wise increase the aggregate cost of the said State House."

The above act continued in force, and the work was supposed to be prosecuted under its provisions until the session of 1852, when this act was repealed. The Legislature of that session, passed the act of March 18, 1852, "to provide for the more efficient and expeditious completion of the new State House," &c. The

second section of the last-named act, contains substantially the same provisions of the law of 1846, above recited.

The work from its re-commencement in 1846, until the present time, seems to have been prosecuted upon the plan adopted by the commission of 1843-4, subject to modifications restricted by the language of the law, so as "not to increase the aggregate cost of the erection of said new State House."

We have, then, the singular spectacle of a work commenced upon the anticipated cost of \$361,235, and terminating in the actual cost of \$1,563,909.29; and yet, during the whole period, prosecuted under the provisions of a law tolerating no changes in the original plan which would in any degree increase the aggregate cost.

The plain inference is, that either the original estimate was so ignorantly and unskillfully made as not to even amount to a reasonably shrewd guess, or that there has been a very wide and unauthorized departure from the plan originally sanctioned and adopted by the General Assembly.

Your committee are of opinion that both these inferences are sustained by the facts. But however erroneous the original estimates may have been is not now of essential importance to our present inquiry.

Your committee believe that important, expensive and unauthorized changes, and departures from the original plan, are sufficiently established by the report of the present commissioners and architect submitted to this General Assembly.

Without reciting in detail, these various changes and modifications, we refer to the said report for particulars.

It is not the intention of your committee to reflect upon the official conduct of these gentlemen, and they disclaim any imputations upon their honesty and integrity. But in view of the enormous increase of expenditure upon said State House since March 1852, (from the sum of \$281,575, expended up to 1852, to \$706,575, besides \$308,125.42 now due over the appropriations, in all \$1,014,700 42,) and the amount required to complete it in accordance with the plan and estimates recommended by the present commissioners and architect, it well becomes this Senate to pause and inquire whether gorgeous embezzlements and expensive finery are consistent with the present straitened financial condition of the State and the excessive burthens of taxation imposed upon its citizens; and further, whether the mode of internal finish, in some respects, and modifications adopted by the present and former commissioners, which may not even be liable to these objections, cannot be cheapened without injury to the permanent utility, convenience and style of the building when completed.

Questions involving the architectural design and economy of such an immense structure can only be satisfactorily determined by judicious and skillful architects. We have, therefore, no hesitation in recommending to the Senate an organization of a commission of architects as contemplated by the said resolution, at the earliest practicable period.

The last subject of inquiry, respecting the expediency of suspending the work, &c., on said building, for the present, involves greater difficulties, and does not admit of so ready and satisfactory answer. If the contracts entered into by the commissioners are of legal and binding obligation upon the State, justice and good faith on the part of the State, requires that contractors shall not be delayed in their execution by the action of the Legislature, beyond what may be deemed a reasonable construction of the terms of their several contracts. But if, however, the commissioners have exceeded their powers in making these contracts, in so far as they contemplate future appropriations, or otherwise, it might be great injustice to treat them as still existing and thereby tacitly encourage those employed by virtue of those contracts.

Without undertaking to decide upon the validity of these contracts, we hereby submit a resolution accompanying this report, recommending a suspension of farther contracts and work, as far as practicable, upon said State House, for the present, and respectfully recommend its passage.

If a commission of architects be agreed upon, the propriety of suspending the work, as far as practicable, will be apparent.

Your committee would further remark that they will, at an early day, introduce a bill creating the office of State House Commissioners, and for the prosecution of the work on said building, &c.

NELSON RUSH,
HERMAN CANFIELD,

REPORT
OF THE
COMMITTEE ON SCHOOLS AND SCHOOL LANDS,
IN RELATION TO AMENDMENTS TO SCHOOL LAW.

The Standing Committee on Schools and School Lands, to whom were referred sundry petitions asking for the repeal or essential modification of the present School Law, have had the same under consideration, and now

REPORT:

Your committee have delayed to report upon any subject connected with the present School Law, in order that an opportunity should be afforded for an expression of the popular will, so far as it could be obtained through the medium of petitions and memorials.

The law providing for the "re-organization, supervision and maintenance of Common Schools," presents a system extensive in detail, and with numerous provisions dependent upon each other. Any radical amendment must, therefore, in some measure affect the whole system. Legislation changing existing laws before their operation is fully demonstrated, is often found a costly experiment, and productive of much evil and inconvenience.

Influenced by such considerations, your committee have been reluctant to introduce amendments, or propose changes in the present school system, unless such amendments or changes are demanded by the people, or unless the evil to be corrected, or the benefit to be secured, is clear and apparent.

The whole number of petitions praying for changes in and amendments to the present School Law, which have been referred to your committee, is twelve; to which are appended, in the aggregate, seven hundred and ten signatures. The modifications proposed, vary with each petition. We will briefly refer to them in detail. A petition from Portage county, numerously signed, asks that the office of State Commissioner be abolished; also, the Township Board, the Library system, and all other "expensive machinery of the School Law." Twenty-one citizens of Clinton county, pray that the county Auditor may be empowered to apportion the

School Fund, instead of the Township Board. A petition from Preble county asks for the repeal of the 24th section of the School Law, and that funds raised to pro-
fong schools after the State funds are exhausted, be expended in the sub districts in
which the same are raised. Twenty-three citizens of Ashland county, ask that the
Township Board be required to distribute the same fund among the sub-districts,
so that schools shall be continued in all of them for seven months annually. A
very lengthy and argumentative petition is presented from Ashtabula county,
signed by fifty-four citizens.

The changes asked for in this petition or memorial, contemplate an entire repeal
of the distinctive features of the present law. The petitioners desire that the office
of State Commissioner, County School Examiners, and the Library system be abol-
ished ; that the State school tax be reduced to half a mill on the dollar, and that
local taxes also be reduced ; that the old system of independent districts be restored,
and that local taxes be assessed for the tuition of indigent scholars. A petition
from Madison county, signed by one hundred and four citizens, asks that the Town-
ship Board, and that the office of County School Examiners be abolished ; that the
office of County Superintendent be created, and that the system of independent
districts be restored. Fifty citizens of Preble county ask for the creation of the
office of County Superintendent. Thirteen citizens of Medina county, pray that
the Township Board be abolished. Twenty-four citizens of Erie county, pray that
the same Board be deprived of the power of local taxation. Forty-eight citizens
of Miami county, pray that the office of State Commissioner be abolished, and that
the Township Board be authorized to employ teachers who fail to obtain certificates
from County Examiners. Another petition, from the same county, asks that the
Township Board and the office of State Commissioner be abolished, and that each
township elect its own examiners. A petition from Ashland county asks that the
Township Board and office of State Commissioner be abolished, and also, the Li-
brary system.

These various petitions, couched in earnest and respectful language, and pre-
sented in good faith, deserve an attentive and patient consideration, but as an evi-
dence of public sentiment, they fail to convince your committee that the radical
changes contemplated by the petitioners are desired by the people of the State at
large. The workings of any new system requiring so many agents to execute its
numerous provisions, must necessarily be attended with some inconvenience, and it
is not singular that the errors and mistakes of officers may sometimes be confound-
ed with supposed defects in the system itself. That such is the case in regard to
the system under consideration, your committee will not undertake positively to
say, but they believe that many of the evils and defects imputed to the law, have
originated either in an improper construction of its provisions, or in the abuse or
injudicious discharge of discretionary powers confided to school officers.

In addition to the usual inconveniences and disadvantages attending the intro-
duction of every new system, the School Law was necessarily compelled to en-
counter prejudices peculiar to itself. The law provided for the creation of a new
State officer ; destroyed the individuality of Common School districts, a system to
which the people were habituated from the commencement of legislation upon this
subject. It made necessary a comparatively large expenditure of public money,
and a consequent increase of taxation.

These features of the law alone created almost necessarily a feeling of jealousy
toward the system which it originated. The creation of a new office, to which are
attached emoluments and influence, is, in most cases, regarded with distrust, and
can only be justified by a positive necessity. The spirit of American institutions
has always been adverse to centralization, whether it be in the organization of
National and State governments, or in the more humble affairs of school districts ;
hile an increase of the public burthens, without a corresponding increase of pub-

lic benefits, is at best but a system of legalized plunder. These sentiments, just in the abstract, constituted in the minds of many, serious objections to the law when first introduced, and before its practical effects had been in any degree demonstrated by experience. Liable to these and many other apparent objections, and under all the disadvantages attending a new system, the law went into operation in April, 1853. The session of the Legislature next succeeding, was marked by numerous petitions for its repeal or essential modification. The Legislature of 1854, wisely refused to destroy a system whose existence had just commenced. Two years have intervened, and now the petitioners who ask for a repeal of the law, and a radical change in the system, are almost outnumbered by remonstrants, who deprecate with equal earnestness any essential modifications.

But we do not propose to stop our inquiries here. The three years now nearly elapsed, cannot have failed to record their distinctive evidence. What then have been the practical results of the present system upon the interests of education? If we may believe official reports, if we may have any confidence in the expressed opinions of the earnest friends of education, an active, practical interest has been awakened in Common Schools, beyond any former period. The usefulness and efficiency of primary schools have been increased. Numerous graded schools have been established, and are now affording the advantages of more advanced instruction to the youth attending them.

Commodious, well arranged and well ventilated school houses, are taking the place of former structures whose principal merit was their cheapness. In a word, your committee believe that the interests of education have been materially advanced under the operation of the present law; that true progress has been made, and an impetus has been given to the cause of Common Schools, which properly directed and controlled, will give to Ohio a distinguished position among her sister States, as an educator of her youth.

We have thus far considered the present law as a whole, and the workings of the school system as to its general results.

We will now briefly refer in detail to the changes proposed by petitioners :

Petitions from the counties of Portage, Ashtabula, Miami and Ashland, ask that the office of State Commissioner be abolished. In the opinion of your committee, the educational interests of this State are of sufficient importance to require a separate department. The State Commissioner is appropriately the head of this department. If his duties were merely mechanical, they might, with great propriety, be assigned to some other officer of State. But the law expects of him that he will contribute to the progress of education, suggest improvements, counsel school officers and instruct them in the discharge of their duties, confer with the people, address public meetings and popular conventions upon educational subjects, and be an efficient agent in carrying into successful operation the whole system of Common Schools, and increasing their usefulness. The abolition of this office will only save to the State a portion of the salary attached to it, for in that event a part of the duties now performed by him must be discharged elsewhere, and at some expense. The continuance of this office may not be a matter of vital importance, but your committee believe that it will advance the interests of the Common School system, as now constituted.

The repeal of that portion of the law imposing a library tax, is asked for by some petitioners. For the first time, within its history, this State has placed books into the hands of its youth, and opened to the indigent this great fountain of moral and intellectual instruction. These voiceless teachers, scattered by a beneficent policy throughout the school districts of the State, are accomplishing a silent, but all important work, by bringing home to every fireside the teachings of the eminent minds of this and former ages. They continue the instructions commenced in the school room, and feed the healthy appetite there created.

The method of determining the qualifications of teachers, by examination before a board of county examiners, has too long received the sanction and approval of experience, to justify a change at this time ; and, hence, we are unable to recommend the adoption of any of the plans offered as a substitute.

The question of the reduction of the State school tax, as embraced in several petitions, has been referred to your committee, and has received their attention and careful consideration. To say that excessive taxation is the great evil under which the people of this State are now laboring, is the repetition of a truth experimentally familiar to all the tax payers of Ohio. But, after all, your committee are constrained to say that their inquiries have not been, how much the common school system can be cheapened *merely*, but how much it can be cheapened and still preserve its efficiency and usefulness ? They believe that education is a *necessity* imposed upon the State. "*We must educate!*" A matter of such vital importance, affecting the very stability of our institutions, ought not, and must not, be left to the ability or caprice of individuals. A free government that values its perpetuity, must perpetuate its safeguards, the greatest of which are intelligence and moral worth among the masses.

Again, education is economy. The State has property in the intelligence, sobriety and industry of its citizens, and these are the true sources of its wealth. Industry, without education, loses half its efficiency, while ignorance, idleness and crime are almost inseparable, or at least so often found combined as to establish the idea of some natural connection.

Crime is not the result of a *natural* necessity, but of the want of any, or of proper cultivation of the intellect and propensities. Hence, we must incur the expense of education to prevent the expense of crime.

It is true that large expenditures do not of necessity secure the best schools, but it is also true, that comparatively large expenditures are a conditioned precedent to the establishment and perpetuity of schools equal to the advancement of the age and the exigencies of the times.

The character of the age requires a higher order of qualifications on the part of teachers, and the wages of the educator are advancing with his capacity for usefulness. The fund raised by the present school tax, in the majority of instances, will sustain primary schools, as now conducted, about five months in each year.

A material reduction of the tax will result in abridging the continuance of schools, or compel the necessity of local taxation. The duration of schools is now sufficiently limited, and the resort to local taxation is not very reliable. Your committee do not believe that the present tax is any more than adequate to sustain primary schools in a proper manner, and that to reduce it would effect, injuriously, the interests of education.

And your committee further believe, that no burthen will be more cheerfully borne by the people of Ohio, than expenditures judiciously devoted to the support of common schools. The petition for the reduction of the school tax is coupled with a proposition to resort to local taxation for the support of *indigent scholars*. This last proposition would be to convert the *duty* of the State into local *charity*, and to humble and degrade the spirit of manly independence which is as common to the poor as to the affluent.

In connection with the subject of taxation, it will be proper here to refer to the powers of the township board relating thereto. Your committee are of opinion that the power of taxation ought to be carefully restricted in the hands of local authorities. In accordance with this opinion, they herewith submit a bill providing an amendment to the 22d section of the school law, and limiting the rates of assessments by the township board. The same bill also gives discretionary power to the board in apportioning to the sub-districts, the funds raised in the township for prolonging schools after the State funds are exhausted. The distribution of this fund

per capita, has been found productive of great inequalities; in some sub-districts moneys have accumulated beyond their wants, while other sub-districts, in the same township, were left comparatively destitute.

The amendments, herewith reported, contemplate the continuance of the township board. There may exist some objection to this board, as now organized, but your committee are unable to see any practicable compromise between this provision of the law and a return to the former system of independent districts.

To revive the old isolation of school districts, and wholly *localize* the school interests of the several townships, would simply, but emphatically be *reversed progress*. The present system affords to each sub-district the benefit of the combined counsels of an intelligent representation from all parts of the township; it secures a comparison of the views and opinions of those to whom are committed the care and custody of schools and educational interests; it affords opportunity for the suggestion of improvements, and produces uniformity of operations. The services of the board are gratuitous, and, therefore, it cannot be ranked among expensive machinery.

Your committee have now reviewed, in detail, the principal changes contemplated by the petitions referred to them. There are certain additions to the present system asked for, to which we have not yet adverted. The principal of these, is the appointment of County Superintendents.

Your committee believe that in many counties such an officer might be of essential service, but it is questionable whether the increased benefits would justify the additional expense by which they are to be secured. If such an office be created, it ought, perhaps, to be left optional with the several counties, to elect an incumbent or otherwise; and this might be determined, by the consent or refusal of the County Commissioners, at their June session, to appropriate the necessary salary if he be paid from public funds. As to other and minor additions and modifications, your committee have no recommendations at present, and will not longer detain the attention of the Senate.

HERMAN CANFIELD,
FELIX MARSH,
M. D. HARDY.

EXECUTIVE OFFICE, }
COLUMBUS, January 17, 1856. }

To the President of the Senate :

I have the honor to transmit the accompanying Resolutions of the General Assembly of Vermont, relating to late events in Kansas, and the subject of Slavery, in order that they may be laid before the General Assembly.

SALMON P. CHASE.

EXECUTIVE DEPARTMENT, }
MONTPELIER, Vt., Dec. 20, 1855. }

To the Honorable, the Governor of the State of Ohio :

SIR :—I have the honor to transmit to you the accompanying Resolutions on so much of the Governor's Message as relates to Kansas.

I have the honor to be,

With considerations of high respect,

Your Obedient Servant,

STEPHEN ROYCE.

C. H. HAYDEN, *Secretary.*

RESOLUTIONS ON SO MUCH OF THE GOVERNOR'S MESSAGE AS
RELATES TO KANSAS.

WHEREAS, The power and influence of the Slaveholding States in this Union has been, from an early period, successfully exerted in extending and strengthening the institution of human slavery, contrary to the clear intent of the founders of the government, and in violation of the spirit of the Constitution ; and,

WHEREAS, In order still further to extend slavery and to establish it in the free territories of the United States, there have been passed the fugitive slave law, so called, and the code establishing territorial government in the free territories of Kansas and Nebraska, with provisions inviting the establishment of slavery therein ; and in furtherance of this purpose, the citizens of Missouri have been suffered to invade the territory of Kansas, in armed bands, and to prevent thereby the people of said Kansas from making their own laws, or electing their own representatives, and by lawless force to exclude them from exercising any voice in the government of said territory ; and,

WHEREAS, The present administration of the general government has lent itself to these illegal and unjust schemes ; and has either openly aided therein, or secretly connived thereat ; and has taken no steps to execute the laws, or to protect the people of said territory in the exercise of their constitutional rights thus publicly assailed and overthrown, and has, upon false pretenses, removed such of its own officers as were not entirely subservient to those bad designs : and,

WHEREAS, The right of citizens of slaveholding states to hold slaves in, and transport them through, the free states, has of late been asserted, and the act attempted, and in consequence thereof, a citizen of a sister state has been put in prison under the usurped or grossly perverted power of a federal judge: therefore, it is by the Senate and House of Representatives of the State of Vermont,

Resolved, That the fugitive slave act of 1850 is contrary to the spirit of the constitution of the United States, in subversion of the rights, and a flagrant outrage upon the spirit of a free people; and that the same ought to be immediately repealed.

Resolved, That the enactment of the provisions of the territorial code of 1854, which abrogated the ancient prohibition of slavery in said territories, and opened them to the wicked acts and calamitous results of that institution, was a gross fraud upon the just rights of the people—a faithless breach of a solemn public compact, of which the slaveholding interest had already reaped the full benefit—an insult to the free states, and in violation of the natural rights of man; and that it merits the condemnation of the civilized world.

Resolved, That the armed and unlawful invasion of Kansas, by citizens of Missouri, and their illegal and forcible exclusion of the people of that territory from all the political rights to which they are entitled in the government thereof, for the sole purpose of establishing slavery therein, under the semblance of law, was an act of atrocity unequalled in the political history of this nation, and directly subversive of the fundamental principles of republican government, and that the State of Missouri will be justly chargeable as a party to that wrong, unless she publicly and distinctly disavow said acts of her citizens, and use every means in her power to prevent a recurrence thereof.

Resolved, That the non-interference of the federal administration, to prevent or punish said outrages, justly makes it, in the estimation of mankind, accessory thereto, and unworthy of the confidence or respect of freemen.

Resolved, That Vermont, while she will in no way assail the constitutional or domestic rights of the slaveholding states, will, to the utmost of her power, uphold and sustain the people of the territories in their lawful effort to exclude slavery therefrom,—that she will, at all hazards, and to the last extremity, resist all encroachments upon the constitutional rights of the States,—that to the extent of her ability, she will oppose the extension of slavery into, and the existence thereof, in the territories of the United States, and the admission into the Union of any state whose constitution does not perpetually prohibit slavery therein.

Resolved, That the slave who treads the soil of a free State by the consent of his master, becomes thereby at once and forever free, and entitled to the exercise of the whole power of the State, when necessary, in the defense of his freedom.

Resolved, That in the opinion of this General Assembly, no District Court of the United States has jurisdiction to issue writs of *habeas corpus*, or to render judgment thereon, except when necessary to the orderly proceeding of suits pending therein, or in order to inquire into the legality of commitments made under color of its authority, and, therefore, that the imprisonment of Passmore Williamson, under authority of the District Court of the United States for the eastern district, Pennsylvania, was not warranted by law, and void.

Resolved, That our Senators be and are hereby instructed, and our representatives in Congress are requested, to do all in their power to carry out the spirit and intent of the foregoing resolutions.

Resolved, That the Governor be requested to cause a copy of these resolutions, properly certified, to be sent to each of our Senators and Representatives, to be by them communicated to Congress; and that a copy of the same be also sent to

Governor of each State in the Union, with a request that they be laid before the Legislature thereof.

	In House of Representatives, Nov. 12, 1855.
Read and adopted	GEO. R. THOMPSON, <i>Ass't Clerk</i> ,
	In Senate, Nov. 15, 1855.
Read and adopted in concurrence.	C. H. CHAPMAN, <i>Secretary</i> .

STATE OF VERMONT.

SECRETARY OF STATE'S OFFICE. }
 MONTPELIER, December 20, 1855. }

I hereby certify that the foregoing is a correct copy of the Resolutions adopted by the General Assembly of this State, on file in this Office.

CHARLES W. WILLARD,
Secretary of State.

REPORT
OF THE
COMMITTEE ON FEDERAL RELATIONS,
RELATIVE TO THE VERMONT KANSAS RESOLUTIONS.

The undersigned, members of the committee on Federal Relations, to whom was referred the Kansas Resolutions of Vermont, report the following preamble and resolutions, and recommend the adoption of the same :

WHEREAS, The original policy of our country contemplated no extension of slavery beyond the limits of slave States, and no increase of the number of such States ; and whereas, experience has sufficiently proved that every departure from that policy has been productive of evil, and of evil only ; and whereas, by the repeal of the slavery prohibition of the Missouri Compromise the whole question of slavery in its relations to the Union, the States and the Territories, has been re-opened ; and whereas, the people of Kansas, deprived of the protection of that prohibition, and despoiled by armed invasion of their undoubted right to elect their own representatives, have been compelled to choose between the alternatives of resort to the inherent right of every community, in the absence of valid laws, to provide for its own safety and good order, or submission to the unauthorized edicts of a pretended Legislature, seeking to compel the admission of slavery by appointing its own creatures to all territorial offices, whether executive or judicial, and by imposing such restrictions upon the right of suffrage at future elections, as will exclude the opponents of slavery from the polls ; and whereas, the people of Kansas properly adopting the former, have proceeded to elect a delegate to Congress, and to form for themselves a State Constitution, with a view to application for admission into the Union ; and whereas, in the judgment of this General Assembly, it is the duty of the Federal Government, and of the people of the several States, to unite their efforts to save the territory of Kansas from the renewal of civil tumult, and from the further shedding of blood. Be it therefore

Resolved, That the course of the people of Kansas engaged in defending themselves against lawless violence, and in asserting their inherent right of self-government, be, and is hereby earnestly commended to the warm sympathies and liberal aid of the people of Ohio.

Resolved, That our Representatives in Congress be requested to vote for the prompt admission of Andrew H. Reeder to a seat in the House of Representatives, as the duly elected delegate from the territory of Kansas.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best endeavors for the immediate passage of an act of Congress admitting Kansas into the Union as a State, with such limitation of boundaries as by Congress shall be deemed advisable; and in case Congress shall not consent to such admission, then to use their best endeavors to secure the passage of acts enabling the people of the Territory to elect their own Governor and other officers, and fully protect them in the exercise of the elective franchise.

Resolved, That our Senators in Congress be further instructed, and our Representatives requested, to use their best endeavors to secure the passage of a law prohibiting slavery in the Territories of Kansas and Nebraska, and all territory embraced by the Missouri Compromise, and re-establishing the original American policy, as declared in the regulation proposed by Thomas Jefferson in 1784, for the exclusion of slavery from all territory ceded, or to be ceded, and of such other laws as shall best fulfill the high duty repeatedly acknowledged by the people of Ohio, of "using all the power clearly given by the terms of the national compact to prevent the increase, to mitigate and finally eradicate the evil of slavery, without encroaching upon or in any way legislating upon the right of each State to adopt and modify its own municipal laws, to regulate its own internal affairs, and to hold and maintain its equal and independent sovereignty with each and every other State.

Resolved, That the Governor of this State be requested to cause a copy of this preamble and resolutions, properly certified, to be forwarded to each of our Senators and Representatives in Congress, and the Governors of each State in the Union.

All of which is respectfully submitted.

O. P. BROWN,
H. CANFIELD.

REPORT
OF THE
STANDING COMMITTEE
ON RAILROADS AND TURNPIKES,
RELATIVE TO THE ZANESVILLE AND MAYSVILLE TURNPIKE CO.

The Standing Committee on Railroads and Turnpikes, to whom was referred the Memorial of the Zanesville and Maysville Turnpike Company, have had the same under consideration, and find :

That the old Zanesville and Maysville Turnpike Road Company failed in 1841, with a debt of about \$100,000, due to laborers and business men along the line of the road—the road being only finished in parcels.

The affairs of the Company soon after passed under the control of a Court of Chancery, with a view to the payment of the debts, and so continued for about ten years—at the end of which time, it was ascertained that the net income of the road was only equal to the payment of two per cent. of the annual interest on the debt, and that the debt had then increased to \$140,000.

On the 20th March, 1851, the General Assembly, at the request of the stockholders, passed an act for the sale of the road and franchises of the Company, and fixed the minimum price at \$140,000, the amount of the debt, and required the purchasers to make within certain times, five miles of road in Perry county, five miles in Fairfield county, and ten miles in Ross, Pike and Highland counties. The road was offered for sale three times, and when last offered was purchased by an association of creditors, holding \$132,000 of the debts, who assumed and afterward paid off the other \$8,000 of debts.

This association of creditors forms the existing Company. They constructed in 1853-4 the five miles of road in Perry, and also the five miles in Fairfield county, at an expense of \$32,000, which, with the \$8,000 paid to creditors, makes an expenditure of \$40,000, most of which the Company had to borrow at high rates of interest, and are still in debt for.

The income and value of the road has been considerably diminished by the construction of railroads in its vicinity since its purchase by its present owners.

The ten miles of road required to be made in Ross, Pike and Highland, which is estimated to cost \$32,000, has not been made, and the prayer of the memorialists is, that they may be relieved from making the same.

Your committee, believing this request, under all the circumstances, to be right and proper, report the accompanying bill to effect that object.

JOS. C. BRAND,
JNO. T. BRAZEE.

REPORT
OF THE MAJORITY OF JOINT COMMITTEE
OF THE GENERAL ASSEMBLY,
UPON AMENDMENTS TO THE CONSTITUTION.

The Joint Committee appointed to inquire and report to the two Houses what amendments to the present Constitution of the State are necessary, have devoted to that subject as much attention as the other duties of the members of the Committee would permit, and now submit the following

REPORT:

The majority of the Joint Committee feel no hesitation in declaring their decided conviction that the present Constitution is, in many of its provisions, not well calculated to secure the important interests and promote the prosperity of the State. These defects spring chiefly from one source: That source is *legislating in the Constitution*.

In a great and growing State, like ours, whose resources are yet but partially developed—whose great interests are not yet settled or known—the pursuits of whose people are constantly and rapidly changing; it is impossible for human sagacity to foresee what legislation may be necessary to develop those resources—promote those interests—and protect those pursuits. He, therefore, who assumes to be able to decide for years to come, what laws the people, through their representatives, shall enact for the public good, or what they shall not enact, arrogates to himself a foreknowledge—a prescience, which we have been taught to ascribe to Deity alone. It is a common error into which legislative bodies, and especially into which constitutional conventions fall, to imagine that they are the last assemblage of wise men that the world will ever produce; and, that coming generations will be unable to understand their own wants, foster their own interests, or secure their own rights, without their aid. This idea leads them to prescribe what laws shall, and what shall not, be passed, by the legislature.

Not content with providing for the structure of the government, and declaring the great leading principles of natural and political rights; which is the sole legitimate purpose of a Constitution, they seek to regulate the detailed action of the government throughout all coming time.

As a necessary consequence of this error, the people soon find themselves fettered in their actions—prevented, by the Constitution, from removing obstacles to their prosperity—from passing laws to foster new interests—check growing abuses—and protect new and important rights. This state of things begets the necessity of amending the Constitution : for the people will manage their affairs as they think best ; and it is right they should do so.

The legislation introduced into the first Constitution of the State, especially that which tied up the hands of the legislature in regard to the Judiciary System, made it necessary to amend or change that Constitution. The people called a Convention to take off the fetters thus unwisely imposed upon the action of their representatives. But the Convention, while they removed one shackle, imposed ten in its place ; so that the legislature can with difficulty now frame any bill to secure a right, redress or prevent a wrong—promote an interest or extend a relief, without infringing some real or supposed provision of the Constitution.

No just and equal system of taxation can be framed that will not be claimed by a portion, at least, of the members of the General Assembly, to be a violation of the Constitution. For it is so difficult to reconcile with each other its various, contradictory, and vague provisions on this subject, that even the courts of last resort are divided in opinion as to its true construction.

Under the present Constitution, no law can be passed to provide for the special wants of one city or other municipal corporation, growing out of its local situation or peculiar business or interests, without extending the provisions of the law to all other cities of the same class, or corporations of the same kind, however unlike their locations, business, interests, and wants. Nor can relief be granted, involving the least extension of corporate powers, to any incorporated company, however urgent the demand or proper the relief asked for, without granting the same relief to all other corporations of like kind, though they neither need nor seek such relief, and though it might be improper to grant it if asked.

While the Committee are fully aware of the propriety of conferring all the corporate powers, and prescribing all regulations applicable alike to any class of corporations, by general and uniform laws, they cannot be insensible to the gross absurdity and serious inconvenience of prohibiting the application of special remedies, to special evils, or the grant of peculiar powers to accomplish peculiar purposes.

The various shifts and devices resorted to by the first legislature under the new Constitution, composed as it was of its friends, to avoid the effect of these provisions, show but too plainly their utter absurdity.

In prescribing *biennial* instead of *annual* sessions of the General Assembly, the Convention, while they sought to remedy the evils of excessive and changeable legislation, introduced others of far greater magnitude.

This State is still so new, it is so rapidly increasing in population, in wealth, in manufactures and in commerce—its agricultural and mineral resources are being so rapidly disclosed, and improved, that much and frequent legislation is required in order to regulate and foster these great and growing interests. Nor is the necessity of frequently convening the representatives of the people confined to these considerations alone.

To support the government—to meet the pecuniary obligations of the State—to educate the rising generation—to keep the numerous public roads and bridges in repair—to support the poor and unfortunate—give sight to the blind—a tongue to the mute—and a rational soul to the insane, require the collection and disbursement, annually, of large sums of money ; and all experience concurs in establishing the truth that large sums of money should not be entrusted to the custody or control of any agent, without a frequent supervision of his accounts. And it is not easy to determine the amount of appropriations required for these various purposes two years in advance.

These and other considerations, which the committee forbear to enumerate, imperiously require annual sessions of the General Assembly.

The committee are decidedly of opinion that the establishment of *single districts* for the election of Senators and Representatives is the only mode by which the opinions and will of the people can be fairly and fully expressed in the General Assembly. Under any other system, the large districts which elect many representatives, often by very small majorities, have the same advantage, in point of influence, over the districts that elect but one each, that an organized force, acting in concert, has over an equal number of men acting without concert, each for himself.

The committee have thus pointed out some of the most material defects of the present constitution. Defects, which, in their opinion, prevent the free action of the people on important measures relating to their interests, and tie up the hands of their Representatives in their efforts to remedy existing evils, or to provide for the pressing wants of a great and growing State.

Had not the General Assembly resolved to hold an adjourned session, the committee would have deemed it their duty to prepare and present to the two Houses such amendments to the constitution as they believe to be required by the public good. But no vote of the people can be taken on the amendments presented to them, under the provisions of the present constitution, until the second Tuesday of October, 1857; so that postponing the subject until the adjourned session will not delay the final action of the people on the subject, the committee have deemed it best not to attempt to mature any amendments to the constitution until the adjourned session.

In the mean time, an opportunity will be afforded for a free interchange of opinions between the members of the General Assembly and their constituents, in relation to changes in the constitution—the practical operation of such laws as have been, or may be passed, at the present session for the relief of the people and the prevention of abuses will be better known, and consequently the General Assembly will be better able then than now to judge what amendments to the constitution the wishes and the good of the people demand.

It may not, however be improper to call the attention of the members of the two Houses, and of the people of the State, to some of the amendments which the committee deem important to the public weal by a brief recapitulation of the views hereinbefore expressed. They are—

First—Annual sessions of the General Assembly.

Second—The election of Senators and Representatives by single districts.

Third—The election of members of the House of Representatives annually, their term of service being one year—and of Senators biennially, their term of service being two years, and so classified that the term of service of one-half the number will expire, and their places be filled annually.

Fourth—Authorizing the General Assembly to enact such laws as will impose the burdens of taxation upon property and credits according to their real value, more equally than the provisions of the present constitution will permit.

Fifth—Authorizing the General Assembly to make such alterations in the judiciary system as may be found necessary to secure a more prompt, efficient and economical administration of justice.

Sixth—Authorizing the General Assembly to pass special laws in regard to municipal and other corporations, to meet and provide for peculiar cases.

Seventh—The contradictory provisions of the constitution to be reconciled, its ambiguous language made certain, and its unnecessary and improper legislation expunged.

Having thus presented to the General Assembly a summary of their views in regard to the amendments of the constitution, the committee recommend the adoption of the following resolution :

Resolved, That the further consideration of the subject of amending the constitution be postponed to the first Monday of January next.

FELIX MARSH,
ALFRED KELLEY,
H. GRISWODD,
J. T. BRAZEE,

Majority of Joint Committee of the Senate.

GEO. M. PARSONS,
GEORGE MYGATT,
B. F. SMITH,
ALFRED YAPLE,

Majority of Joint Committee of the House.

REPORT

OF THE

COMMITTEE ON FINANCE,

ON THE CONDITION OF THE TREASURY.

The committee on Finance respectfully submit the following report in regard to the demands on the general revenue fund, and the available means of meeting these demands :

There has already been appropriated, by House bill No. 78, to pay certain debts of Benevolent Institutions, and new State House ..	\$359,660 89
To pay balances due for work done and materials delivered for new State House, to March 5, 1856, there is required the further sum of	111,888 10
To pay balances due on public works of the State, Nov. 15, 1855, as per statement of Board of Public Works	111,660 89
General appropriations to support the government and public benevolent institutions for the current year, being amount of general appropriation bill, say	360,000 00
To finish cupola and such apartments in new State House as are required for immediate use, and secure the building from injury, (conjectural)	85,000 00
	\$1,028,209 88
Of this gross sum, there has already been paid at the treasury, chiefly on account of appropriations made by House bill No. 78, and for expenses of the General Assembly	342,051 97
Leaving still to be paid	\$686,257 91

To meet these demands on the general revenue fund, the following are the means supposed to be available :

1. Balance in the treasury, on the 22d day of March, instant, part of which is in drafts or bills of exchange, believed by the Treasurer to be available at any time	\$178,646 83
2. Estimated amount receivable from the Treasurer of Hamilton county for general revenue	66,189 24
3. Estimated amount to credit of the Auditor of State in the various State and independent banks chartered under the act of 1845, set apart by the banks on account of taxes.....	150,377 60
	<hr/>
	\$395,213 67
4. There may be transferred from the sinking fund, as estimated by the Auditor of State, after providing for the payment of interest on the debts of the State, and setting apart for the increase of the fund the amount required by the constitution, any sum not exceeding \$379,809.32, to make up any deficiency in the general revenue fund. It is proper, however, to observe that the transfer of a large sum from the sinking fund will prevent any considerable reduction of the rate of tax to be levied on the grand duplicate in aid of that fund.	
Transfer from the sinking fund necessary to meet appropriations as above stated	291,044 24
	<hr/>
	\$686,257 91

The foregoing statement is not claimed to be perfectly accurate; the committee not having in their possession, at this time, the data necessary to perfect accuracy. It however presents such approximate exhibit of the condition of the treasury, and of the claims upon it for the current year, and to pay deficiencies of former appropriations, as will enable the Senate to judge more intelligently as to the propriety of making appropriations for various purposes.

Respectfully submitted,

ALFRED KELLEY,
R. P. BUCKLAND,
R. W. TAYLOR,
FELIX MARSH.

March 25, 1856.

REPORT

OF THE

COMMITTEE ON FINANCE,

RELATIVE TO THE CONDITON OF THE TREASURY.

The committee on Finance, instructed by a resolution of the Senate to inquire into the condition of the Treasury, its funds and accounts, report that they have devoted to the duties assigned them all the time and attention that their other legislative duties would permit, but have found it impossible, during the session, to make that minute examination which so important a branch of the public interest requires, and which would be necessary to arrive at perfect accuracy in regard either to facts or accounts. This, we trust, will be an apology for any errors into which the committee may have fallen in the statements now submitted.

It appears, from the statement of the Treasurer of State, W. H. Gibson, Esq., dated March 14, 1856, herewith submitted, marked A, that there was at that time in the treasury, inclusive of the estimated amount remaining to be paid in (chiefly if not wholly by the treasurer of Hamilton county) the

gross sum of.....		\$1,338,784 45
Composed of money belonging to the general revenue.....	\$491,886 94	
To Sinking Fund.....	818,894 99	
To School Library Fund.....	28,002 52	
		<hr/> 1,338,784 45
Deduct over draft of Canal Fund.....	\$22,530 83	
" " School Fund.....	10,261 67	
Estimated sum yet to be paid into the treasury....	384,600 00	
		<hr/> 417,392 50
Balance in the treasury		<hr/> \$921,391 95

The Auditor, in a statement herewith submitted (marked B.) makes the balance in the treasury, on the 22d day of March, 1856, after deducting over-drafts by Canal and Common School Funds ----- \$956,957 09 8
Add over-drafts above referred to ----- 82,539 36 4

Total amount ----- \$1,039,496 46 2
Of this sum there was due to the Sinking Fund... \$841,467 64 9
To the District Library Fund ----- 19,381 98 3
To the General Revenue ----- 178,646 83 0
----- \$1,039,496 46 2

The discrepancy between the above statements of the Auditor and Treasurer may probably be accounted for by the facts that the two accounts refer to different dates, and that the difference between the receipts for the intermediate eight days may equal the difference between the two accounts.

It appears from a communication of the Treasurer to the committee, marked C., herewith submitted, in answer to certain inquiries, dated March 28, 1856, that he then held, in checks, drafts, bills of exchange, and certificates of deposit, the gross sum of \$296,291 26, which had been held, (with but few exceptions, and for comparatively small sums,) from fifteen days to upwards of two months without having been presented either for acceptance or payment. The committee view this as a loose and irregular mode of managing the finances of the State, and one fraught with great danger of loss.

The committee have reason to believe, viewing the condition of the funds in the treasury, and the large balance due from the late treasurer at the time of giving up his office, the various times when parts of that balance were paid to the present treasurer, and the fact that there still remains a large balance in his hands—that most of the drafts, certificates of deposit, and acceptances now in the treasury, were paid to the present by the late treasurer, and were obtained by him with the understanding, on the part of the parties furnishing the same, that they would not be presented for payment until the demands on the treasury should make it necessary to demand their payment. This may fairly be inferred from the statement of the present treasurer, contained in document C., in which he says: "I have said to bankers that I would notify them, if possible, before using their certificates."

In connection with the foregoing, it may be proper to advert to the fact that of the drafts, certificates of deposit and other evidences of debt held by the treasurer on the 14th day of March, and considered by them as cash, amounting in all to the sum of \$296,291 26, nearly one-half, to wit, the sum of \$147,048 49, consisted of drafts, &c., of the Seneca County Bank, and of Tomb, Huss & Co. It would seem from the report of Charles Remelin, Esq., who was appointed to examine certain banks, (pages 135 to 139,) that the Seneca County Bank, and Tomb, Huss & Co., are so intimately connected in their financial operations that they may be considered, in regard to these operations as substantially one concern. It also appears that both the late and present treasurers have been, if they are not now interested in that bank.

When we consider these circumstances, and also the fact that an information in the nature of a quo warranto has been filed and is now pending against the bank to test the question whether or not its charter is forfeited, we cannot hesitate to express our decided disapprobation of the selection of that concern as one of the principal depositories of the public moneys. The suffering of its paper to lie in the treasury without presentation, either for acceptance or payment, is certainly a very unusual and unbusiness-like course, and, under the circumstances, cannot fail to create a suspicion that the paper was procured to pay part of the balance

due from the late treasurer, with the understanding or expectation that payment would not be demanded until the exigencies of the treasury should imperiously require it.

The committee are of opinion that safety demands the immediate presentation of all such paper in the treasury, for payment, or at least for acceptance; and as most of it is drawn on banks and bankers in New York, they recommend that all such paper, payable in New York, be at once transferred and endorsed over to the Commissioners of the Sinking Fund, and be by them immediately presented for acceptance and payment. To accomplish this purpose, the committee herewith report a resolution which they recommend for adoption.

From the accompanying statement of the account of A. A. Bliss, Esq., late treasurer, prepared by Robert Hume, Esq., marked D, it appears that the balance in his hands, at the time of giving over his office to his successor, Mr. Breslin, was \$302,115 86 2. Mr. Breslin, as treasurer, subsequently gave Mr. Bliss a receipt in full for the balance due by him, (Bliss,) to the treasury, which receipt does not however specify the amount of such balance. A copy of this receipt, marked E, is herewith submitted.

It appears, from the statement of Mr. Breslin's account by Mr. Hume, marked F, that the balance due the state from Mr. Breslin, on the 15th day of January, 1856, the date of the delivery of his office to W. H. Gibson, Esq., the present incumbent, was \$965,703 67 3
To this should be added the fund in the hands of the treasurer to redeem the circulation of the Canal Bank of Cleveland, not included in Mr. Hume's statement 82,830 47 0

Total \$1,048,534 14 3

Mr. Gibson, in a communication to the committee, dated March 29, 1856, herewith submitted, marked G, states that he has received at various times, between January 14th, and March 5th, 1856, from his predecessor, Mr. Breslin, the gross sum of \$836,101 57, leaving in the hands of Mr. Breslin, on the 29th of March, an unpaid balance of \$212,432 57 3.

Had the money of the State been kept in the treasury, or with depositaries of unquestionable solvency and pecuniary ability, the committee can see no reason why this balance should not at once have been paid over by the late treasurer to his successor on the transfer of the office. This, in the opinion of the committee, should in all cases be done, and we are gratified in being able to state that the act passed at the present session positively requires it.

It however appears that large sums of the public money were deposited with, or loaned to companies, individuals or institutions which were not of that high character for pecuniary responsibility that was requisite to make them fit depositaries for moneys so deposited or loaned. The result is that a considerable portion of the funds that should be in the treasury, ready to meet the demands upon it, is at present, to say the least of it, unavailable for that purpose.

There appears to be a balance due from the City Bank of Cincinnati, on account of public moneys deposited in said bank by the late Treasurer, Mr. Breslin, or by his orders, the sum of

of	\$79,811 95
From the Commercial Bank of Toledo on similar account	24,927 03
From Daniel Beckel, (Dayton)	50,785 48
From W. W. Cones & Co., (Cincinnati)	47,799 68

Total (exclusive of interest) \$203,324 14

The City Bank of Cincinnati, as already known to the public, has failed. The committee have not been able, as yet, to obtain any reliable information in regard to the dividend which the bank will be able to pay to its creditors. It is, however, probable that a small portion of this debt may eventually be realized.

Judging from information that the committee deem reliable, the committee believe that the balance due from the Commercial Bank of Toledo will be paid in full, as the assets of the bank, in the hands of receivers, consist mostly of lands, town lots and buildings, or of deferred payments on sales of real and personal property, full payment cannot be safely anticipated in less than two years.

Mr. Beckel has executed a deed of trust of certain parcels of real estate to secure the payment to the State, (or to Mr. Breslin, late Treasurer, in case he shall have discharged his liabilities to the treasury,) of \$50,000 of the above stated balance. These payments are, by the conditions of said deeds of trust, to be made by instalments, payable at various times from January 1, 1857, to January 1, 1858, as will appear by documents marked H and I, herewith submitted.

Of the probability of realizing the balance due from W. W. Cones of Cincinnati, who have also failed, the committee cannot speak with confidence. Those who know something of this late company, differ in their estimates of the dividend they will pay, or which may, by legal proceedings, be collected of them. The committee place little reliance on moneys that may be realized from this source.

From the testimony of Henry P. Bowman, Treasurer of Hamilton county, corroborated by that of R. C. Hazlewood, Treasurer elect of the same county, (see documents herewith submitted marked K and L,) it appears that the standing of W. W. Cones & Co. for pecuniary responsibility, at the time of placing the public moneys in their hands by the late Treasurer, or by his orders, was not such as to warrant those transactions without first taking adequate security for the repayment of the large sums of money placed in their hands. There is also reason to believe that part, at least, of the moneys of the State thus put into their hands was used to establish the Kanhawa Bank in Virginia, and to give currency in this State to the paper issued by that bank. It would also seem that the late Treasurer was in some way interested in that bank, although Mr. Cones, who is understood to have been a stockholder in the bank, and who must undoubtedly have known whether or not Mr. Breslin was also a stockholder, declines to answer the question put to him on that point. (See document M.) It is difficult to explain by any other hypothesis the strong interest manifested by Mr. Breslin to sustain the credit of the paper of that bank. When, to these circumstances, we add the declaration on oath of Henry P. Bowman, that "it was understood by him that Cones & Co. and Mr. Breslin were interested in the Kanhawa Bank as part owners," there seems to be little room to doubt that the late Treasurer was interested in the bank, and used the funds of the State to put it in operation, or at least to sustain its credit.

The committee cannot forbear to express their decided disapprobation of the practice of using the public moneys, either directly or indirectly, for purposes of private emoluments, or to build up or foster any private company or institution—more especially one in which any officer or agent having the custody of such moneys may be interested.

Stringent laws of a penal character—combined with frequent and searching examinations by the Legislature or its committees into the management of the moneys and finances of the State seem to be absolutely necessary to prevent great pecuniary losses to the State, and a still greater depreciation of public morals.

Since the examination of the treasury department by a commission created for that purpose about nine years ago, no careful examination of that department ap-

pears to have been made. Years have gone by since there has been even a critical comparison of the books, accounts and vouchers of the Auditor and Treasurer of State. Thus the great object of making the Auditor's office a complete check on that of the Treasurer has for years been rendered entirely abortive. This state of things has resulted more from defective legislation than from neglect of duty on the part of the officers of State; and it is confidently hoped that the legislation of the present session on this subject will greatly alleviate if it does not entirely cure these evils.

The impossibility of going into a critical examination of all the transactions, book accounts and vouchers of the treasury department, extending through a period of nine years, by a committee of the Senate during its session will at once be seen and acknowledged. Even if ordinary legislative duties did not occupy most of the time and attention of the members of the committee the entire period of the session would hardly suffice to make such an examination. This consideration—the necessity for the investigation—the great inconvenience and enormous expense of keeping the General Assembly in session to await the action of this and one or two other investigating committees, formed one of the strongest arguments in favor of holding an adjourned session of the present General Assembly.

To carry out the views thus expressed, the committee report the two following resolutions, which they recommend for adoption:

ALFRED KELLEY,
FELIX MARSH,
R. W. TAYLOR,
R. P. BUCKLAND.

April 7, 1856.

Resolved by the Senate and House of Representatives, That the Treasurer of State be and hereby is directed to assign over and transfer to the Commissioners of the Sinking Fund as part payment of the money due to said fund for collection, all drafts, bills of exchange and other evidences of debt now in his possession or under his control, payable in the city of New York, and all the moneys and funds of whatsoever description now in the city of New York subject to his draft or under his control; and it is hereby made the duty of the Commissioners of the Sinking Fund to take immediate possession of all such moneys, funds and evidences of debt, and without delay present for acceptance and payment all such drafts, bills of exchange and other evidences of debt, and deposit all moneys that may come into their hands by virtue of this resolution in some safe depository in said city as required by law.

Resolved, by the Senate and House of Representatives, That there shall be appointed a joint committee consisting of three members, one on the part of the Senate to be appointed by, and two on the part of the House to be appointed by, whose duty it shall be during the recess of the General Assembly to examine the books, accounts, vouchers, records and proceedings of the Auditor of State, the Treasurer of State, the Commissioners of the Canal Fund and of the Sinking Fund during the years last past—and also to examine and take an accurate account of all moneys, funds and evidences of debt of whatsoever description, in or belonging to the State Treasury, or to the Sinking Fund; and to enable them to perform the duties assigned them they are hereby authorized to employ a competent clerk or accountant for such compensation as they shall deem reasonable, and in case they should find it necessary, to send for and compel the attendance of witnesses, and to examine them on oath—and also to require the production of books and papers; and it shall be their duty to report fully the result of their examinations and proceedings to the General Assembly at the commencement of the adjourned session.

[A.]

W. H. GIBSON'S STATEMENT—MARCH 14, 1856.

OFFICE OF TREASURER OF STATE, }
 March 14, 1856. }

HON. ALFRED KELLEY, Chairman, &c.,

In reply to your first inquiry I will state that the sum now in the Treasury, besides funds belonging to the Canal Bank at Cleveland, is \$921,391 95, and I estimate the net receipts from the counties yet to make settlement, at \$384,600 00, so that the aggregate will then be \$1,305,991 95, subject to appropriations.

You will find full and detailed answers to your second and third inquiries by reference to schedule "A" hereto attached.

In relation to your fourth inquiry I would state that I hold in trust for the bill holders of the Canal Bank of Cleveland, \$82,830 47, and there are no other funds in the Treasury, except those mentioned in schedule "B" hereto appended, which has been prepared with care, and is essentially correct. I had no hesitation in assuming the position that the certificates of moneys paid in issued by the late Treasurer, were not binding upon the State, as I think it clear that no funds can legally reach this department unless certified by the Auditor. My predecessor has provided means, from time to time, to meet these certificates, and but \$130,000 are now outstanding. When he fails to place me in funds I will refuse to receive these illegal certificates.

In regard to the drafts, accounts, &c., reported, there is not an item upon which I cannot realize the money in two days, and most of them are held to meet claims held against the State, by the Institutions issuing them. For a part I have arranged to take exchange, unless required to meet the general and special appropriations made and to be made.

Hoping this may be satisfactory, be assured it will afford me pleasure at any hour to furnish any information within my reach or knowledge.

I am, truly,

W. H. GIBSON,
 Treasurer of State.

SCHEDULE "A."

Springfield Bank, certificate.....	\$5,000 00	
Champaign Co. Bank do	3,540 25	
W. O. Hedges & Co., Bankers, do	3,000 00	
Marfield's Bank, do	4,100 00	
Dayton Bank, do	2,400 00	
Wick, Otis & Bunnell, do	30,000 00	
Tomb, Huss & Co., Bankers, do	33,949 70	81,989 95
Scioto Valley Bank, Draft on Atwood & Co., N. Y.,	5,000 00	
Seneca Co. Bank, certificates.....	38,857 81	
Union Bank, do	5,000 00	
Moss Brothers, do	10,900 00	
Ohio Life Ins. & T. Co., Cin., do	5,347 00	
Forest City Bank, do	5,000 00	69,204 51
Franklin Branch Bank, do	48,104 20	
Bartlett & Smith, do	47,305 45	
Exchange Branch Bank, do	28,200 00	
Clinton Bank, do	113,638 00	
Individual checks on Columbus Banks	750 00	
Harper, Ayrs, Roberts & Co., Bankers, drafts on		
Atwood & Co., N. Y.	5,000 00	
Franklin Branch Bank, certificate payable in ex-		
change.....	4,191 05	247,188 70
Canfield & Ladd, Bankers, drafts on Atwood & Co.,		
New York	10,000 00	
Seneca Co. Bank, drafts on American Exchange		
Bank, N. Y.	95,759 40	
Ohio Life Insurance & Trust Co., Cin., O., current		
account balance.....	40,675 61	
Messrs. Atwood & Co., N. Y., current ac't balance,	9,237 03	
Salaries advanced public officers	1,575 00	
Advances to State House contractors and for mate-		
rials	20,592 67	
Drafts of Canal Commissioners for Auditor's warrants	75,690 48	253,530 19
Coin in the vault of Treasury.....	15,110 60	
Foreign currency in the Treasury	27,354 00	
Ohio currency of specie paying banks and good Ohio	225,591 00	
Counterfeit and depreciated bank bills	1,520 00	269,575 60
Funds of Canal Bank in Ohio currency and change.....		82,830 00
Aggregate of all funds in the Treasury.....		\$1,004,225 22

REC APITULATION—SCHEDULE "B."

	Canal Fund.		General Revenue.		Sinking Fund.		School Fund.		Library Fund.	
	Dr.	Cr.	Dr.	Cr.	Dr.	Cr.	Dr.	Cr.	Dr.	Cr.
Acc'ts Jan. 15, 1856, when I took charge of this office...	\$47,857 09	\$40,658 90		\$ 22,510 50	\$153,851 18	\$125,633 61		63,489 67		\$ 552 36
Transaction with 85 counties			\$16,687 42	400,074 43	122,286 72	763,291 89	1,082,816 01	985,714 67		65,637 89
Estima'd net rec'ts from 3 do				107,500 00		179,550 00		83,350 00		14,200 00
Rec'ts & pay't, other sources.	21,399 59	6,666 95	82,635 51	1,124 94	133 51	26,690 90			52,447 73	
Total rec'ts & disbursements	69,856 68	47,325 85	99,322 93	591,209 87	276,271 41	1,095,166 40	1,082,816 01	1,072,554 34	52,447 73	80,450 25
Total disbursements by me.		69,856 68	99,322 93	99,322 93		276,271 41	1,082,816 01	1,082,816 01		52,447 73
Bal'ce of the several funds.		\$2,530 83		491,886 94		818,894 99		10,261 67		28,002 52

RECAPITULATION.

General Revenue unexpended.....	\$491,886 94
Sinking Fund unexpended.....	818,894 99
Common School Fund unexpended	28,002 52
School Library Fund unexpended	\$1,388,784 45
Canal Fund, overdraft.....	22,530 83
Estimated receipts not in Treasury	394,600 00
School Fund overdraft.....	10,261 67
Balance in Treasury subject to appropriations	417,392 50
	921,391 95

NOTE.—It will be observed that in this estimate I charge "Sinking Fund" with the \$153,851 18 reported suspended by my predecessor. The Canal and School Funds are overdrawn as shown.

[B.]

AUDITOR'S STATEMENT OF FUNDS IN TREASURY, MARCH 22, 1856.

GENERAL REVENUE.

Balance in treasury January 14, 1856	\$82,510 51 0
Amount received from 87 counties	438,564 79 0
Amount received from other sources since January 14.....	1,823 50 0
Total receipts.....	520,898 80 0
Amount disbursed since January 14.....	342,051 97 0
Balance, March 22.....	178,846 83 0

SINKING FUND.

Balance in treasury January 14, 1856.....	112,579 55 9
“ “ Virginia Military Fund received	2,270 37 0
Amount received from Doyle & Foster.....	3,052 50 0
Balance National Road, January 14	106 54 0
Sec. 16—irreducible.....	43,086 91 0
Ministerial sec. 29—irreducible	1,302 95 0
Connecticut W. R. school—irreducible	2,610 60 0
Balance sec. 16—irreducible, in treasury, January 14.....	5,893 57 0
Sec. 16—received since January 14.....	5,283 35 0
Principal Surplus Revenue.....	38,607 37 0
Interest do	13,977 67 0
Canal, turnpike, and railroad dividends	17,281 64 0
Amount received from 87 counties	719,702 39 0
Total receipts.....	\$965,755 41 9
Amount disbursed.....	124,287 77 0
Balance March 22.....	\$841,467 64 9

CANAL FUND

Balance in treasury January 14, 1856.....	\$40,658 90 0
“ “ Western Reserve and Maumee Road—tolls, do.....	723 04 0
Tolls—Miami and Erie Canal, since January 14	6,434 91 0
“ Muskingum Improvement	187 00 0
“ Ohio Canal	45 04 0
“ Western Reserve and Maumee Road.....	288 45 0
Total amount of receipts.....	\$48,337 34 0
Amount disbursed.....	67,721 62 0
Amount of over draft, March 22.....	\$19,384 28 0

STATE COMMON SCHOOL.

Balance in treasury, January 14, 1856.....	\$3,489 67 6
Amount received from 87 counties.....	1,075,416 25 0
Total amount of receipts.....	1,078,905 92 6
Amount disbursed to 87 counties.....	1,142,061 01 0
Overdraft, March 22, 1856	<u>\$63,155 08 4</u>

DISTRICT LIBRARY FUND.

Balance in treasury, January 14, 1856.....	552 36 3
Amount received from 87 counties.....	71,677 87 0
Total amount of receipts	\$72,230 23 3
Amount disbursed to 87 counties	52,848 25 0
Balance in treasury, March 22	<u>\$19,381 98 3</u>

RECAPITULATION.

General revenue in treasury, March 22	\$178,646 83 0
Sinking fund do do	841,467 64 9
District library fund do do	19,381 98 3
	<u>\$1,039,496 46 2</u>

OVERDRAFT, TO WIT:

Canal fund	\$19,384 28 0
State common school fund.....	63,155 08 4
	<u>\$82,539 36 4</u>
Balance in treasury, March 22, 1856	<u>\$956,957 09 8</u>

Hamilton county has not settled.

[C.]

W. H. GIBSON'S ANSWER TO INTERROGATIONS—MARCH 28.

OFFICE OF TREASURER OF STATE, }
 March 28, 1856. }

HON. A. KELLEY, Chairman, &c

Dear Sir:—In reply to your note of yesterday I have to state that I am unable to give the dates of the several certificates of deposit, checks, drafts and bills of exchange held by me on the 14th inst.

In disbursements I use these claims as currency, and in the large payments made since that date I have disposed of a large portion of them. I take pleasure in submitting the enclosed statement, showing the date, amount and terms of such as were held by me on the 14th, and are yet in the treasury.

Those I now hold have never been presented for acceptance or payment, but I presume that those disposed of have been "presented and paid," as I indorsed them, and have received no notice of protest for non-acceptance or non-payment. I doubt not they have been promptly paid.

I have never agreed to hold, or been requested to hold any "draft or bill of exchange," before presenting the same for payment for a day or an hour; and have never waived, agreed to waive, or been asked to waive acceptance of any draft or bill of exchange, except in the two instances indicated in the statement enclosed.

I have verbally agreed to hold certain certificates thirty days, as indicated by statement. I had received of my predecessor, Auditor's warrants and certificates of deposit and checks payable at remote points, to collect which would cost the treasury one-half of one per cent. I have received similar claims since I took charge of the office, and to make all available I was forced to do one of two things: either to pay the expense of collection or take banker's certificates therefor, agreeing to hold them thirty days. I did not hesitate to adopt the latter policy. In this way I accumulated some considerable exchange, preferring to hold the drafts of banks I knew to be good, rather than those of which I knew nothing.

I have intended, so soon as I could act with knowledge of the state of funds and demands upon the treasury to make arrangements for the necessary exchange to meet July interest. In this I expect to use many certificates now held, but as yet have made arrangements for only \$65,000, besides the exchange now held. The cost of all the exchange I now hold has been \$83.50 to the State, and I hope to procure the requisite amount upon terms equally advantageous to the State. Every certificate of deposit not designated as "collection," I had a right to present for payment on the day of their date, and have never agreed, or been requested to hold them a single day. I have said to bankers that I would notify them, if possible, before using their certificates.

I am, respectfully,

W. H. GIBSON,
 Treasurer of State.

SCHEDULE C.—Continued.

	Names of Banks.	Date.	When Due.	Amount.
Cert'ate	Marfield's Bank.....	March 1, 1856	At sight	\$4,100 00
--	Exchange Bank.....	Feb. 29, 1856	do	5,000 00
--	Bartlett & Smith.....	Feb. 26, 1856	do	675 00
--	do do.....	Feb. 29, 1856	do	1,800 00
--	do do.....	Feb. 5, 1856	do	9,240 00
--	do do.....	Feb. 8, 1856	do	5,460 00
--	do do.....	Feb. 28, 1856	Collec'n	6,555 45
--	do do.....	Feb. 15, 1856	do	3,500 00
--	do do.....	Feb. 11, 1856	do	5,300 00
--	do do.....	Feb. 6, 1856	do	2,460 00
--	Franklin Branch.....	Feb. 19, 1856	At sight	8,598 74
--	do do.....	Feb. 20, 1856	do	6,380 40
--	do do for exchange.....	Feb. 2, 1856	do	4,191 65
--	Seneca County Bank.....	Feb. 8, 1856	do	5,000 00
--	do do do.....	Feb. 13, 1856	do	3,000 00
--	do do do.....	Feb. 4, 1856	do	5,347 00
--	do do do.....	Feb. 13, 1856	Collec'n	13,473 94
--	do do do.....	Jan. 18, 1856	do	2,500 00
--	do do do.....	Jan. 21, 1856	do	1,100 00
--	do do do.....	Jan. 21, 1856	At sight	1,280 00
--	do do do.....	Feb. 13, 1856	Collec'n	400 00
--	Tomb, Huss & Co.....	Nov. 23, 1856	At sight	616 07
--	do do.....	Nov. 20, 1856	do	875 00
--	do do.....	Nov. 16, 1856	do	649 00
--	do do.....	Nov. 28, 1856	do	629 63
--	do do.....	Feb. 13, 1856	do	4,200 00
--	do do.....	Feb. 13, 1856	Collec'n	5,000 00
--	do do.....	March 11, 1856	At sight	11,980 00
--	do do.....	Feb. 13, 1856	do	5,000 00
--	do do.....	Feb. 13, 1856	Collec'n	5,000 00
--	W. C. Hedges & Co.....	March 10, 1856	At sight	3,000 00
--	Springfield Bank.....	March 6, 1856	do	5,000 00
Draft.	Scioto Valley B'k on Atwood & Co., New York.....	March 4, 1856	60 days	5,000 00
--	Clinton Bank (acceptance waived), on Atwood & Co.....	Feb. 4, 1856	May '56	60,000 00
--	Seneca County Bank, on American Exchange Bank, N. Y.	Feb. 4, 1856	At sight	4,925 19
--	do do do.....	Jan. 21, 1856	do	5,000 00
--	do do do.....	Jan. 31, 1856	do	5,000 00
--	do do do.....	Jan. 31, 1856	do	5,000 00
--	do do do.....	Feb. 12, 1856	do	11,052 46
--	do do do.....	Jan. 11, 1856	do	5,000 00
--	do do do.....	Jan. 11, 1856	do	5,000 00
--	do do do.....	Jan. 10, 1856	do	5,000 00
--	do do do.....	Jan. 10, 1856	do	5,000 00
--	do do do.....	Jan. 10, 1856	do	5,000 00
--	do do do.....	Jan. 31, 1856	do	5,000 00

SCHEDULE C—Continued.

	Names of Banks.	Date.	When Due.	Amount.
Draft.	Seneca County Bank on American Exchange Bank, N. Y.	Feb. 4, 1856	At sight	5,000 00
--	do do do	Feb. 4, 1856	do	5,000 00
--	Harper, Ayrs, Roberts & Co., Atwood & Co., N. Y.	Feb. 12, 1856	do	3,000 00
--	Canfield & Ladd	Feb. 14, 1856	do	10,000 00
--	Seneca County Bank on Moss Brothers	Feb. 13, 1856	do	5,000 00
--	do do Union Bank..	Feb. 13, 1856	do	5,000 00
				\$296,291 26

[D.]

OVER-DRAFTS TO THE CREDIT OF ALBERT A. BLISS, LATE TREASURER OF STATE, JANUARY 12, 1852, to wit :

Muskingum Improvement—Contracts and repairs.....	\$3,490 74 0
Ohio Canal—Awards and damages	150 00 0
do Contracts and repairs	14,999 63 0
do Unrestricted fund	721 10 0
Hooking Canal—Unrestricted fund.....	200 00 0
do Contracts and repairs	1,899 22 0
Walhonding Canal, " "	770 50 0
Miami & Erie Canal, " "	56,718 00 0
do Unrestricted fund	650 00 0
Contingent Fund Board Public Works.....	1,200 00 0
Canal Fund	319,085 39 8
Revenue	271,446 57 9
Domestic interest.....	3,170 27 0
New State House fund.....	123 08 0
	<hr/>
	\$674,624 51 7

Balances to the debt of A. A. Bliss, late Treasurer of State, January 12th, 1852, to wit:—

Surplus Revenue, (principal).....	\$43,132 11 0
State common school fund	41,247 84 4
Muskingum Improvement—awards and damages	489 85 0
Expenses Fund Commissioners	747 55 0
Surplus revenue, interest fund.....	1,612 94 2
National Road fund	2,337 00 0
Wabash and Erie canal land fund	3,984 59 0
Miami Extension canal land fund.....	11,743 68 0
School section sixteen, (irreducible).....	1,587 14 0
Virginia Military School fund, do	3,409 98 0
Three per cent. road fund.....	24 70 5
Ohio turnpike.....	616 28 0
Miami Canal Extension land bonds.....	7,926 00 0
Faith and credit bonds	1,304 50 0
Miami and Erie canal—awards and damages..	1,399 59 0
Ohio Lunatic Asylum fund.....	5,805 88 0
	<hr/>
	\$127,369 63 9
Balance to credit of A. A. Bliss, Jan. 12, 1852.....	<hr/>
	\$547,254 87 8

SCHEDULE—Continued.

A SCHEDULE of Outstanding Certificates of Deposit issued by A. A. BLISS, Treasurer of State, and Redeemed by JOHN G. BRISLIN, Treasurer of State.

No. Cert.	Names of Treasurers.	Counties.	Amount.
4	George Harper	Wyandot	\$2,090 00 0
5	Charles Hetick	Crawford	3,500 00 0
6	S. Sutton	Putnam	
7	John Underwood, Jr.	Logan	2,565 00 0
8	A. Conn	Richland	4,125 00 0
9	C. Lee	Union	1,737 25 0
10	A. Power	Wayne	7,990 00 0
11	.....	Henry	12 40 0
12	Charles Hetick	Crawford	4,000 00 0
13	H. Hunt	Garroll	7,000 00 0
14	Wm. Crumley	Clinton	2,000 00 0
15	John D. White	Brown	1,000 00 0
17	.....	Jackson	1,500 00 0
19	John Bates	Wood	4,559 55 0
20	George Harper	Wyandot	3,000 00 0
22	E. Fouts	Morgan	3,000 00 0
24	Thomas Holmes	Licking	9,200 00 0
25	C. Lee	Union	1,600 00 0
26	.....	Adams	5,700 00 0
27	A. Dodds	Hardin	1,997 21 0
28	John Bates	Wood	25 00 0
29	H. Hempstead	Pike	1,969 74 0
30	Thomas Holmes	Licking	5,050 00 0
31	J. D. Loomis	Hocking	700 00 0
32	Thomas Arneal	Guernsey	5,000 00 0
33	.....	Trumbull	10,000 00 0
34	J. Mooney	Jefferson	10,000 00 0
35	J. Leiby	Franklin	10,000 00 0
36	J. Hambleton	Lawrence	1,010 00 0
37	John D. White	Brown	7,000 00 0
38	O. Branch	Meigs	657 87 0
39	.....	Mercer	82 28 0
40	John Underwood, Jr.	Logan	1,421 40 0
41	W. A. Athey	Madison	11,029 39 0
42	Jacob Morris	Warren	15,000 00 0
43	John Kelley	Belmont	16,000 00 0
44	Robert Black	Gallia	2,500 00 0
45	Wm. P. Wheeler	Coshocton	5,090 00 0
46	Wm. McElvain	Fayette	4,705 00 0
47	A. R. Caldwell	Champaign	10,100 00 0
48	Henry S. Lewis	Ross	19,000 00 0
49	John Dillon	Muskinnum	9,090 00 0
50	H. Debolt	Hamilton	90,000 00 0
51	S. Davidson	Montgomery	5,000 00 0
52	do	do	3,000 00 0

SCHEDULE—Continued.

No. Cert.	Names of Treasurers.	Counties.	Amount.
53	H. Hunt.....	Carroll	1,000 00 0
54	S. B. Williams.....	Clark	22,000 00 0
55	B. F. Senzee	Mercer .....	.....
56	E. E. Husted.....	Huron	10,000 00 0
57	.....	Fairfield	20,000 00 0
58	S. A. Tisdal	Lake	7,000 00 0
59	A. R. Colwell	Champaign	4,040 00 0
60	J. Underwood, jr.....	Logan	3,000 00 0
61	A. Trader	Greene	10,075 00 0
62	S. E. Fouts	Morgan	3,000 00 0
63	John Dillon	Muskingum	8,090 00 0
	J. W. Lybrand	Knox	14,000 00 0
64	B. Senzee.....	Mercer.....	2,550 00 0
65	H. Debolt	Hamilton	30,000 00 0
66	George Knap	Seneca	15,000 00 0
67	John B. Wilbur.....	Erie	10,100 00 0
68	J. T. Green	Portage	16,000 00 0
69	J. B. Beckwith	Medina	7,710 03 0
70	George C. Dodge	Cuyahoga	20,000 00 0
71	A. Conn	Richland	10,000 00 0
72	Isaac Harpster	Holmes	2,000 00 0
73	S. D. Hinman	Lorain	10,000 00 0
74	Wm. Murphy	Shelby	8,672 25 0
75	A. Teter	Clermont	11,000 00 0
76	A. L. Gitteau	Washington	6,000 00 0
77	.....	Mahoning	12,120 00 0
78	F. Wodsworth	Summit	15,000 00 0
79	S. Thomas	Morrow	5,586 47 0
80	W. Williams	Delaware	7,000 00 0
81	Jacob Knoop	Miami	20,200 00 0
82	Isaac Harpster	Holmes	8,000 00 0
83	S. E. Fouts	Morgan	3,000 00 0
84	Richard Wilson	Marion	3,500 00 0
85	P. R. Spencer	Ashtabula	10,000 00 0
86	.....	Mahoning	3,030 00 0
87	.....	Harrison	10,100 00 0
88	W. P. Wheeler	Coshocton	2,000 00 0
89	.....	Hancock	8 63 0
90	John Dillon	Muskingum	4,040 00 0
91	A. Trader	Greene	2,015 00 0
92	R. L. Barcroft	Harrison	1,900 00 0
93	P. R. Spencer	Ashtabula	13 31 0
94	Wm. M. McReynolds	Highland	10,000 00 0
95	Jno. Dillon	Muskingum	4,040 00 0
96	John Marsh	Preble	10,000 00 0
97	John Kelley	Belmont	5,000 00 0
98	J. Davison	Montgomery	3,000 00 0
99	Richard Wilson	Marion	2,000 00 0

SCHEDULE—Continued.

No. Cert.	Names of Treasurers.	Counties.	Amount.
100	C. P. Chandler	Scioto	4,000 00 0
101	Hallem Hempsted	Pike	1,572 32 0
102	W. Athey	Madison	970 61 0
103	N. Power	Wayne	8,999 00 0
104	L. Parcher	Lucas	3,000 00 0
105	T. K. Jacobs	Allen	3,000 00 0
106	H. Hempsted	Pike	1,314 61 0
107	Z. Fitch	Trumbull	10,100 00 0
108	B. Gilliland	Van Wert	703 56 0
109	John D. White	Brown	6,000 00 0
110	W. P. Wheeler	Coshocton	2,000 00 0
111	S. E. Fouts	Morgan	2,500 00 0
112	W. P. Wheeler	Coshocton	3,000 00 0
113	E. Sailesbury	Monroe	7,500 00 0
114	Charles Hetiak	Crawford	1,000 00 0
115	John Bates	Wood	55 06 0
116	William Dodd	Henry	582 27 0
117	John Bates	Wood	44 00 0
118	Jno. Boyd	Ashland	2,642 86 0
119	W. D. Morgan	Columbiana	7,050 00 0
120	H. Hempsted	Pike	1,206 81 0
121	Wm. Murphy	Shelby	70 09 0
122	C. Lee	Union	500 00 0
123	Wm. Crumley	Clinton	5,500 00 0
124	John Buthler	Tuscarawas	15,000 00 0
125	John Buthler	do	100 00 0
126	S. D. Hinman	Lorain	200 00 0
127	R. Black	Gallia	2,500 00 0
128	Wm. P. Wheeler	Coshocton	759 69 0
129	C. H. Foot	Geauga	5,994 00 0
---	Deposit Athens Branch Bank	Athens	5,000 00 0
---	Campbell	Pickaway	12,000 00 0
---	---	Noble	3,940 00 0
---	S. M. Staddam	Stark	20,000 00 0
---	O. Branch	Meigs	3,903 57 0
168	---	Belmont	100 00 0
169	---	Delaware	1,000 00 0
162	---	Jackson	500 00 0
165	---	Mercer	9 00 0
167	James George, Collector Tolls	---	257 56 0
Total am't of outstanding certificates			\$849,370 74 0

RECAPITULATION.

Balance to the debit of A. A. Bliss, late treasurer	\$127,369 63 9
Amount of outstanding certificates	849,370 74 0
Total amount to A. A. Bliss, late treasurer, debit.....	\$976,740 37 9
Balances to A. A. Bliss, late treasurer, credit.....	674,624 51 7
Total balance to Bliss, debit, January 12, 1852	\$302,115 86 2

[F]

A LIST of balances to the debit of JOHN G. BRESLIN, Esq., late Treasurer of State, as per Books in Treasury Office, January 14, 1856, viz:

Revenue.....	\$82,510 51 0
State common school fund	3,489 67 6
School library fund	552 36 3
Virginia military school fund—reducible	2,270 37 0
Section sixteen—irreducible.....	5,893 57 0
Canal fund.....	40,658 90 0
Sinking fund	112,579 55 9
Canal and turnpike dividends.....	1,451 50 0
National Road fund	106 54 0
Western Reserve and Maumee Road fund	723 04 0
Three per cent. road fund.....	2,609 03 5
Total	<u>\$252,845 06 3</u>

A LIST of Overdrafts to the credit of JOHN G. BRESLIN, Esq., late Treasurer of State, as per Books in the Treasury Office, January 14, 1856, to wit:

Contingent fund Board of Public Works.....	648 36 0
Repairs northern division Ohio canal.....	7,049 12 0
do middle do do	3,487 72 0
do Hocking canal	1,468 84 0
do Muskingum Improvement	795 02 0
Lock gates do do	3,774 28 0
Salaries and expenses middle division Miami and Erie canal.....	375 00 0
do do south do do do	300 00 0
Repairs middle division do do	11,186 42 0
do north do do do	4,321 55 0
Locks middle do do do	307 00 0
Awards, &c, middle division do do	90 00 0
Salaries, &c., middle division Ohio canal.....	534 66 0
do south do do	48 82 0
do north do do	237 50 0
do Muskingum Improvement.....	645 00 0
Rebuilding chords Circleville aqueduct.....	31 27 0
do lock-house, Devol's dam.....	121 47 0
Repairs south division Miami and Erie canal.....	5,515 91 0
Bottoming Lancaster side-cut.....	266 64 0
Engineer to gauge surplus water.....	500 00 0
Repairing locks southern division Miami and Erie canal.....	500 00 0
New work northern do do do	1,724 18 0
Awards of damages northern division do do	25 00 0
Culvert Hocking canal	316 20 0
Repairs south division Ohio canal	3,587 13 0
Total	847,857 09 0

A SCHEDULE of outstanding Certificates of Deposit issued by JOHN G. BREELER, Treasurer of State, and Redeemed by W. H. GIBSON, Treasurer of State.
[B.]

No. Cert	Names of Treasurers.	Counties.	Amount.
1	John P. Drennen	Richland	\$200 00
2	D. Yarnall	Henry	74 92
3	J. F. R. Sebring	Sandusky	2 66
4	Daniel Bitler	Auglaize	1,016 30
5	B. Huber	Hancock	21 29
6	O. Branch	Meigs	192 93
7	Isaac Springer	Fulton	6 65
9	Joshua Marshall	Union	50 69
10	J. F. R. Sebring	Sandusky	11 93
11	D. Yarnall	Henry	18 00
12	Isaac Springer	Fulton	5 52
13	S. R. Hudson	Defiance	28 95
15	Daniel Bitler	Auglaize	24 50
16	same	same	10 19
18	Stephen Gleason	Van Wert	239 28
19	A. Patterson	Miami	12,000 00
20	T. R. McClure	Putnam	1,000 00
21	Isaac R. Calahan	Gallia	3,000 00
22	Daniel Bitler	Auglaize	190 00
23	O. Branch	Meigs	671 53
24	H. Payne	Vinton	373 60
28	H. Hooper	Mahoning	12,060 00
29	D. Yarnall	Henry	13 22
30	Jesse Burnett	Fayette	6 81
31	S. Spink	Wood	61 13
32	William Lockwood	Lake	6,000 00
33	S. Spink	Wood	88 54
34	John Duncan	Shelby	2,700 29
35	Joshua Marshall	Union	45 29
36	Cyrus H. Coy	Lucas	9 08
38	David Carlin	Wayne	17,042 50
39	S. R. Hudson	Defiance	1,696 91
40	Thomas Ewing	Licking	14,000 00
41	F. B. Dickason	Jackson	154 98
42	John Gregg	Pike	7 84
43	Thomas Ghromley	Ross	3 17
44	John Cook	Scioto	27 68
45	Joshua Hamilton	Lawrence	316 12
46	Joel Haskins	Meigs	69 49
47	A. L. Gitteau	Washington	12 53
48	Benj. Linzee	Mercer	30 29
50	L. Demoss	Coshocton	3 07
52	E. Graybill	Fairfield	2 53
53	J. C. Toole	Hocking	7 08
54	U. R. Feather	Stark	19,950 00

SCHEDULE—Continued.

No. Cert.	Names of Treasurers.	Counties.	Amount.
55	Joshua Marshall	Union	\$4,000 00
56	T. B. Dickason	Jackson	48 10
57	John Duncan	Shelby	2,300 35
58	Thomas O. Fernald	Erie	7,810 00
59	H. P. Bowman	Hamilton	80,000 00
60	S. B. Williams	Clark	15,037 50
61	J. P. Drennen	Richland	10,050 00
62	B. Baker	Greene	10,050 00
63	T. Ghromley	Ross	15,000 00
64	John Gregg	Pike	2,493 72
65	S. R. Hudson	Defiance	26 36
66	Smith Thomas	Morrow	5 72
67	A. Hockett	Clinton	8 54
68	E. S. Goodwin	Lorain	6 40
69	Isaac Stiers	Muskingum	3 51
70	S. Spink	Wood	3,000 00
71	J. P. Johnson	Harrison	7,010 00
72	Smith Thomas	Morrow	5,001 00
73	D. Yarnall	Henry	5 53
74	J. P. Drennen	Richland	4,429 59
75	L. Demoss	Coshocton	3,015 00
76	R. J. Bennett	Brown	14,000 00
77	A. Sharp	Marion	10 00
78	Charles Green	Portage	12,060 00
79	T. B. Dickason	Jackson	1,047 17
80	Geo. H. Humming	Seneca	12,000 00
81	R. S. Banks	Paulding	182 55
82	J. M. Haslepp	Trumbull	12,000 00
83	J. Hambleton	Lawrence	2,000 00
84	James McKhann	Darke	7,000 00
85	H. Chamberlin	Delaware	10,000 00
86	Geo. C. Dodge	Ouyahoga	20,000 00
87	B. Linsee	Mercer	7 22
88	W. A. Athey	Madison	7,000 00
89	B. Huber	Hancock	4,000 00
90	U. P. Leighton	Hardin	2,582 80
91	J. F. Campbell	Noble	2,000 00
92	S. Potts	Guernsey	6,030 00
93	Josiah Kennison	Morgan	6,000 00
94	J. F. Feller	Huron	12,000 00
95	Joel G. Rockhill	Warren	16,040 00
96	John W. Sayder	Butler	20,000 00
97	U. R. Feather	Stark	50 00
98	E. S. Goodwin	Lorain	13,062 50
99	J. Crall	Ashtabula	8,040 00
100	O. P. Hines	Franklin	20,000 00
101	O. Branch	Meigs	3,000 00

SCHEDULE—Continued.

No. Cert.	Names of Treasurers.	Counties.	Amount.
102	H. Sisler	Summit	\$15,000 00
103	John R. Stephens	Preble	12,060 00
104	J. F. R. Sebring	Sandusky	4,992 61
105	S. A. Smith	Ottawa	1,496 28
106	F. Kochler	Monroe	6,000 00
107	Thomas Johnson	Belmont	15,000 00
108	Wm. Smith	Champaign	12,060 00
109	J. Underwood, Jr	Logan	7,035 00
110	J. B. Moore	Pickaway	15,083 75
111	B. Linzee	Mercer	2,000 00
112	David Clark	Montgomery	20,100 00
113	Otto Fieldner	Crawford	7,208 80
114	Daniel Fenwick	Highland	11,000 00
115	Daniel Bitler	Auglaize	90 00
116	A. Sharp	Marion	6,980 00
117	Isaac Steirs	Muskingum	20,100 00
118	L. Demoss	Coshocton	3,015 00
119	A. Shelley	Jefferson	10,000 00
120	Jesse Burnett	Fayette	5,000 00
122	Edward Graybill	Fairfield	18,000 00
123	George Williams	Perry	8,500 00
124	A. Hockett	Clinton	5,000 00
125	B. Huber	Hancock	55 60
126	A. L. Gitteau	Washington	7,000 00
127	John Moodey	Carroll	6,000 00
128	S. Gleason	Van Wert	4 69
129	S. Gleason	do	2,490 00
130	A. A. Wright	Ashtabula	10,000 00
131	T. R. McClure	Putnam	229 63
132	R. L. Banks	Paulding	15 00
133	John Duncan	Shelby	20 33
134	U. P. Leighton	Hardin	88 93
135	Henry Payne	Vinton	15 35
136	George Moore	Adams	5,000 00
137	J. H. McFarland	Knox	12,060 00
138	Jackson Selcott	Holmes	5,000 00
139	Samuel Blanchard	Lucas	4,440 00
140	J. S. Wright	Geauga	6,000 00
141	Daniel Bitler	Auglaize	1,169 27
142	George C. Dodge	Cuyahoga	4,570 98
143	W. Armstrong	Allen	3,970 00
144	J. Ellsberry	Clermont	14,000 00
145	T. R. Hudson	Defiance	15 43
-	Total		\$760,715 70

RECAPITULATION.

Amount to J. G. Breslin, late Treasurer of State, debit.....	\$252,845 06 3
Amount of John G. Breslin, late Treasurer of State, certificates.....	760,715 70 0
Total amount of Breslin, debit.....	\$1,013,560 78 3
Overdraft to Breslin, credit.....	47,857 09 0
Balance to Breslin, debit.....	\$965,703 87 3

[G.]

STATE TREASURER'S OFFICE, }
Columbus, March 29, 1856. }

HON. A. KELLEY, *Chairman, &c.*:

Dear Sir:—Below find statement of the gross and several sums of money paid me by Jno. G. Breslin, Esq., late Treasurer, on account of balances due from him:

January 14, 1856.....	\$223,791 02	
do 15, do	24,703 92	
do 16, do	75,200 25	
do 18, do	59,977 08	\$383,672 27
February 6, do	29,345 82	
do 9, do (Depreciated)	1,520 00	
do 9, do	50,737 62	
do 12, do	2,616 45	
do 16, do	6,278 46	90,498 35
do 16, do	35,634 57	
March 3, do	174,917 20	
do 5, do	151,379 18	361,930 95
Total amount.....		\$836,101 57

This includes *all* that I have received from the late Treasurer up to this date.

There is yet outstanding \$80,000 of his certificates, held by the Treasurer of Hamilton county. In the gross receipts, I have included the redemption fund of the Canal Bank of Cleveland.

I am, respectfully,

WM. H. GIBSON,
Treasurer.

[H.]

DANIEL BECKEL'S TESTIMONY.

DAYTON, March 20, 1856.

A. KELLEY, Esq. — *Dear Sir* : Herewith please find copy of agreement alluded to in my deposition.

I have been very busy, but will endeavor to forward memorandum of accounts by next mail.

Yours, truly,

DAN'L BECKEL.

1. *Question*—Please state the character of the monetary transactions between the late Treasurer of State, J. G. Breslin, Esq., and yourself, inclusive of such transactions with the Miami Valley Bank ?

Answer—The transactions were of an ordinary banking character. The collectors of tolls, at several points on the Miami and Erie canal, were instructed to deposit with the bank or myself; we paying express charges, and furnishing exchange on New York without charge. The general character of the transactions are indicated by a memorandum of account, herewith submitted, marked "A."

2. *Question*—Did the bank, or did you, either verbally or in writing, agree to pay any interest or consideration of any kind for or on account of the deposit of the moneys of the State with the bank or with you, or was there any understanding that any compensation or consideration should be made or given for such deposits; and if aye, state particularly the kind or amount of such consideration made or to be made ?

Answer to question 2—The only consideration for the use of the deposit was that alluded to in the answer to 1st question, that is the express charges, furnishing exchange without charge, and payment of Canal Commissioners' checks in gold when required. We at times made advances for canal repairs in anticipation of receiving canal tolls soon after. It was a question to me whether the account did not cost in expense, express charges, exchange and risk of bringing money from Defiance and other remote points, more than it was worth. We never paid any thing else for the use of those funds.

3. *Question*—Were the drafts drawn by the bank or by you on the east, or any of them, made with any agreement or understanding that they should not be immediately presented for acceptance or for payment, and if so to what extent, and to what drafts did such agreement apply ?

Answer—It was understood that the balances in bank in June and December would be required in drafts on New York. There may have been a few drafts that it was not expected would be presented until required to pay interest. I have no idea what they would amount to, if any.

4. *Question*—Was there at the time of your failure or suspension, a balance due from you to the treasurer or the treasury of State; if aye, what was the amount of that indebtedness ?

How did it occur ?

Has it since been paid ? If so, to whom, and in what manner ? State particularly and in detail the items of payment.

Answer—Mr. Breslin held a certificate of deposit for fifty thousand dollars (\$50,000) issued by me. There was also a balance of book account amounting to seven hundred and eighty-five dollars and forty-eight cents, (\$785.48) as per memorandum of account, marked "A."

The certificate was for balance of moneys received of him to procure exchange on New York. Both amounts have been arranged with Mr. Breslin—the certificate by placing property in trust as collateral, as appears by the copy of agreement herewith, marked “B.” The bank stock and real estate specified in that agreement, I value at fifty thousand dollars, and have no doubt but that I shall be able to make the payments promptly, as required by that agreement.

DAN’L BECKEL.

[L.]

DRED OF TRUST BY D. BECKEL.

[COPY OF AGREEMENT “B.”]—Whereas, John Mills has this day received a conveyance from William Dickey and Reuben D. Harshman, assignees of Daniel Beckel, and also from said Beckel and wife, of the in-lot in Dayton, No. 146, and the east one-third, of the west half, of in-lot No. 135, in said city, and has also received a transfer from said Beckel and wife, and Beckel and Spinning, of twenty-six thousand dollars of the stock of the Dayton Bank, in all. Now, this is to witness that said conveyance and transfer are made upon settlement by the assignees aforesaid and said Beckel, with John G. Breslin, of a certificate of deposit for \$50,000 of said Beckel, held by said Breslin, and that they are made to said Mills upon trust, as follows: Said Beckel agrees and binds himself to pay to the acting Treasurer of State, ten thousand dollars, (\$10,000,) January 1, 1857; five thousand dollars (\$5,000) between January 1, and July 1, 1857; fifteen thousand dollars, July 1, 1857; five thousand dollars between July 1, 1857, and January 1, 1858, and fifteen thousand dollars January 1, 1858; or if said Breslin shall have accounted with the State Treasury, and satisfied any and all claims which the State may have on account of said certificate, and if such claim of the State shall be released and fully discharged as against said Beckel and his said assignees, then Beckel is to make such payment to said Breslin, or such person as he shall designate: Now said Mills holds said real estate and bank stock as a security for such payments to be made by Beckel, and upon such payments being made, shall reconvey and re-transfer to said Beckel, or such person as he shall name, said real estate and stock, or any residue in his possession. Said Mills, under the direction of said Beckel, is to sell said bank stock as soon and as rapidly as may be judicious and practicable, and discreet, and the proceeds to be applied to the payments first falling due, whether the same be due at the time said proceeds are realized or not. Said Mills is to take and hold possession of said real estate from and after April 1, 1856, and to receive the rents and profits from that day and thereout to pay insurance, taxes, and necessary repairs, and apply the balance to the payments aforesaid. If said Beckel shall fail to make payments as aforesaid, said Mills shall sell and dispose of such stock and real estate, or so much thereof as may be necessary to make the payments due, resorting first to the stock and afterwards to the real estate, and he shall apply the proceeds to such payments. All payments made by him, to be to the State treasurer, or Breslin, upon the same conditions hereinbefore mentioned.

[Signed]

DAN’L BECKEL.

JOHN MILLS, *Trustee*.

March 13, 1856.

[K.]

TESTIMONY OF HENRY P. BOWMAN, TAKEN BEFORE THE COMMITTEE OF THE SENATE.

1st Question by Committee.—Please state the character and facts relating to the deposits of moneys belonging to the State by you as treasurer of Hamilton county; stating particularly the amount and date of each deposit; by whose order made, and all the facts and circumstances touching the same, within your knowledge.

Answer, Nov. 15th, 1854.—The first payment made by me as treasurer of Hamilton county, to John G. Breslin, treasurer of State, was \$35,986 87, as per letter inclosing receipt, marked A. This was an arrangement of Mr. Breslin and Mr. Cones, being the taxes charged on duplicate against the Trust Company Bank for the year 1854. I received the treasurer of State's receipt for the same, being assured that it should be on account of his demand for interest funds which he would require of Hamilton county for the purpose of aiding in the payment of the interest on the State debt.

Dec. 20.—The next payment was \$50,000, being the requisition for interest funds in addition to the amount already paid, (see paper marked B.,) which was paid to Mr. Cones. He presented Mr. Breslin's receipt, or certificate, which I paid to him, which was in accordance to an arrangement previously entered into between Mr. Breslin and Cones, as Cones informed me.

March 23.—The next transaction I had with the treasurer of State, was the payment of \$150,000, which was paid to him as follows: A certificate of deposit for \$70,000, being an amount previously arranged and agreed upon between Breslin and Cones, as I was informed by Cones, and afterwards the same was confirmed by Breslin, I having some time in January wrote to Breslin to ascertain if he had made any arrangement for the residue of the State funds as to when and how he wanted them—his answer, see paper marked C. Subsequently Mr. Cones called on me and told me that Breslin had written a letter to him, at the same time showing the letter to me, desiring me to place this amount (\$70,000) in the hands of W. W. Cones & Co., stating the reason was that he wished him to make arrangements for the purchase of exchange; saying if Breslin went into the market for that purpose it would cause it to go up. Having confidence in what Cones told me, and from previous transactions, I made the arrangement accordingly, which was afterwards confirmed by Mr. Breslin. Also, at the same time I paid Breslin \$21,000 in Kanawha bank paper or bills, which Mr. Cones informed me was an arrangement between him and Mr. Breslin, and the same was satisfactory to him when paid over; the residue (\$59,000) was paid by a check on the Trust Company, making \$150,000, which he gave a receipt or certificate, and afterwards received on final settlement, April 9th, 1853.

In relation to the Kanawha paper, I have only to say that it was understood by me that Cones & Co. and Mr. Breslin were interested in the Kanawha bank as part owners; that Cones & Co. were engaged in protecting the circulation of the bank in Cincinnati; that the \$21,000 I paid over to Mr. Breslin was received by me through Mr. Cones, with the understanding that Mr. Breslin was to receive the same, and that transaction was for the purpose of protecting the circulation, as I understood it. I had no interest whatever in the Kanawha bank.

2d Question.—From your knowledge of the pecuniary responsibility of W. W. Cones & Co., at the times the moneys deposited with them by direction of the treasurer of State, would you have considered it safe to have made said deposits

with them ?—would you have deposited with them like sums on your own responsibility ?

Answer.—From my knowledge of the firm of W. W. Cones & Co., and their business relations, I should not have made such deposits which were made, on my own responsibility. I deposited to some extent with them, but required them to secure me, which they did by Mr. Cones executing a mortgage on real estate to the amount of \$20,000. My deposits outside of the arrangements of the treasurer of State, I do not think at any time exceeded the security that I held. As to the balance of the transactions, I have made them all through the Trust Company.

HENRY P. BOWMAN.

THE STATE OF OHIO, Franklin county, ss:

The deponent, Henry P. Bowman, whose signature is appended to the foregoing deposition, was by me sworn according to law, to answer truly such interrogations as should be to him propounded by a committee of the Senate of Ohio, in respect to such matters as they should inquire of him.

Given under my hand this 20th day of March, A. D. 1856.

JOHN G. MILLER,

Justice of the Peace in and for the said county.

OHIO STATE STOCK BANKS.

The public are advised by the following letter of the security of Ohio State stock bank notes :

TREASURY OFFICE, }
Columbus, O., Nov. 11, 1854. }

W. W. CONES, Esq.—*Sir*: In answer to your inquiry, I reply that the notes of the Miami Valley Bank, Canal Bank of Cleveland, Savings Bank of Cincinnati, City Bank of Columbus, and all other Ohio stock banks, will be received for taxes, and all other public dues, at this office, as heretofore. These notes are abundantly secured by the pledge of Ohio and United States stock in the offices of the Auditor and Treasurer of State, which stocks are still commanding a premium in New York. No bill-holder need necessarily lose anything by Ohio stock paper.

Very respectfully, yours, &c.,

J. G. BRESLIN,
Treasurer of State.

[A.]

TREASURY OFFICE, OHIO }
Columbus, Nov. 16, 1854. }

H. P. BOWMAN, Esq., *Treasurer of Hamilton Co., Cincinnati, Ohio* :

Dear Sir—We inclose herewith our receipt for thirty-five thousand nine hundred eighty-six dollars and eighty-seven cents, deposited in this office to your credit.

[\$35,986.87.]

Respectfully,

JOHN G. BRESLIN,
Treasurer of State.
By H WILSON.

[B.]

TREASURY OFFICE, OHIO, }
Columbus, November 25, 1854. }

To the Treasurer of Hamilton County :

DEAR SIR :— On the second day of March, 1846, the Legislature passed an act entitled "An act relating to the duties of county treasurers," Section 1 of which reads as follows :

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of aiding in the payment of interest on the State debt, the several county treasurers in this State shall, on the twentieth day of December, annually, transmit, or pay over to the State treasurer, or deposit with such safe and convenient bank or banker as the treasurer of State shall designate, subject to his order, such moneys, not exceeding the amount assessed on the duplicate of such county, for State purposes, as he shall have collected previously to that day."

In pursuance of this section, I have respectfully to request that you forward to this office the sum of fifty thousand dollars. You will oblige me by making your remittance at a day not later than the 20th proximo. This will be in addition to the amount already paid.

J. G. BRESLIN,
Treasurer of State.

[C.]

COLUMBUS, January 26, 1856.

DEAR SIR:—Received yours this morning.
Will see you in a week, or earlier if possible.
Yours, &c.,

I have not made any arrangements.

J. G. BRESLIN.

H. P. BOWMAN.

AUDITOR OF STATE'S OFFICE, }
Columbus, April 9th, 1855. }

*Abstract of Settlement with HENRY P. BOWMAN, Esq., Treasurer of Hamilton County,
for the year 1854.*

PAYMENTS TO BE MADE.

To State tax of 1854, collected	\$347,038 48 0
Delinquencies of 1853 collected	7,611 11 0
Forfeited land taxes collected	—
Pedlars' licenses	499 70 0
Auction duties	—
Agricultural fund, shows, &c.	66 50 0
	<hr/>
	\$355,215 79 0
Principal of Section 16	—
Principal of Section 29	—
Principal of surplus revenue	—
Interest on surplus revenue, 6 per cent.	—
	<hr/>
Total	\$355,215 79 0.

DRAFTS RECEIVED.

For State common school fund	\$79,877 00 0.
District school library fund	—
Interest on Section 16	7,398 50 0.
Interest on Section 29	1,104 65 0.
Interest on Virginia military school fund	145 36 0.
Interest on U. S. military school fund	—
Three per cent. fund	93 96 0.
Interest on W. R. school fund	—
Taxes refunded by the county	—
These were treated as delinquencies and deducted from gross collections of 1854.	
Treasurers' mileage	20 00 0.
	<hr/>
"Nov. 16, by cash, \$35,986.87"	88,639 47 0.
"Dec. 20, by cash, 50,000.00"	—
	<hr/>
"\$85,986.87"	—
Balance due the State	266,576 32 0.
	<hr/>
Total	\$355,215 79 0.

W. D. MORGAN, Auditor of State.

H. P. BOWMAN, County Treasurer.

[By R. C. HALEWOOD.]

COMMON SCHOOL FUND—[DUPLICATE.]

TREASURER OF STATE'S OFFICE, OHIO, }
Columbus, April 9, 1855. }

Henry P. Bowman, Esq., treasurer of Hamilton county, has paid into the State treasury, to the credit of the common school fund as follows :

Taxes collected under common school levy for 1854.....	\$146,635 98 0
Delinquent taxes collected under common school levy for 1853, (in- cluding forfeitures,).....	2,984 75 0
Total.....	<u>\$149,620 73 0</u>

JOHN G. BRESLIN,
Treasurer of State.
[pr. BRETZ.]

DISTRICT SCHOOL LIBRARY FUND—[DUPLICATE.]

TREASURER OF STATE'S OFFICE, OHIO, }
Columbus, April 9, 1855. }

Henry P. Bowman, Esq., treasurer of Hamilton county, has paid into the State treasury, to the credit of the district school library fund as follows :

Taxes collected under district school library levy for 1854.....	\$9,775 73 0
Delinquent taxes collected under district school library levy for 1853, (including forfeitures,).....	149 24 0
Total.....	<u>\$9,924 97 0</u>

JOHN G. BRESLIN,
Treasurer of State.
[pr. BRETZ.]

GENERAL REVENUE FUND—[DUPLICATE.]

TREASURER OF STATE'S OFFICE, OHIO, }
Columbus, April 9, 1855. }

Henry P. Bowman, Esq., treasurer of Hamilton county, has paid into the State treasury, to the credit of the general revenue fund as follows :

Taxes collected under general revenue levy for 1854.....	\$68,430 12 0
Delinquent taxes collected under general revenue levy for 1853, (including forfeitures,).....	1,492 37 0
Pedlars' licenses.....	499 70 0
Auction duties.....	-----
Agricultural fund, (show licenses,).....	66 50 0
Total.....	<u>\$70,488 69 0</u>

JNO. G. BRESLIN,
Treasurer of State.
[pr. BRETZ.]

SINKING FUND—[DUPLICATE.]

TREASURER OF STATE'S OFFICE, OHIO, }
Columbus, April 9, 1855. }

Henry P. Bowman, Esq., treasurer of Hamilton county, has paid into the State treasury, to the credit of the sinking fund, as follows :

Taxes collected under sinking fund levy for 1854	\$122,196 65 0
Delinquent taxes collected under sinking fund levy for 1853, (including forfeitures,)	2,984 75 0
Total	<u>\$125,181 40 0</u>

JNO. G. BRESLIN,
Treasurer of State.
[pr. BRETZ.]

CINCINNATI, Dec. 15, 1855.

HENRY P. BOWMAN, Esq.—*Sir*: I am requested to notify you that on to-day, at the instance of John G. Breslin, Esq., Treasurer of State, I presented to W. W. Cones & Co., bankers of this city, for payment, a certificate of deposit for \$70,000, dated on the 19th of March, 1855, payable to the order of John G. Breslin, Treasurer of State, on the return of the certificate, said certificate showing on its face that you had deposited that amount with W. W. Cones & Co., aforesaid.

The certificate has a credit of \$22,232.01 endorsed as of July 1st, 1855.

The holder looks to you for payment, the said W. W. Cones & Co. having refused to pay it.

Respectfully, your obedient servant,

EDMOND PENDLETON,
Notary Public.

[L.]

TESTIMONY OF R. C. HAZLEWOOD.

The Testimony of R. C. Hazlewood, of Cincinnati, taken before the Committee of Finance of the Senate.

QUESTION BY COMMITTEE. State what sums of money belonging to the State have been deposited by the treasurer of Hamilton county with W. W. Cones & Co., Bankers of Cincinnati, within your knowledge, and by whose direction or orders were they made. State particularly the amounts, times, and all other facts in your knowledge touching the same.

The following is a statement of all payments to Jno. G. Breslin, Treasurer of State, by Henry P. Bowman, Treasurer of Hamilton county :

November 15, 1854	\$35,98 87
December 20, 1854	50,000 00
March 23, 1855	150,000 00
March 23, 1855	4,463 62
April 9, 1855	30,589 45
June 4, 1855	1,798 13
December 20, 1855	80,000 00

The first payment, \$35,986 87 was the taxes of the O. L. & T. Co. The second payment, \$50,000 being in addition to the first for the State Treasurer's requisition for interest funds. The third on account of State funds, being in anticipation of the amount due State on final settlement, amounting to \$150,000. Also \$4,463 62, sections No. 16 and 29 funds. The next, \$30,589 45 was the balance due State on final settlement. The next, \$1,798 13 was sections Nos. 16 and 29 funds. The last was Treasurer of State's requisition for interest funds, amounting to \$80,000.

QUEST. From your knowledge of the pecuniary responsibility of W. W. Cones & Co., at the times the moneys deposited with them by direction of the Treasurer of State, would you have considered it safe to have made said deposits with them? Would you have deposited with them like sums on your own responsibility?

Ans. From my knowledge of the firm composing W. W. Cones & Co., I would not have made such deposits with them. Not considering it safe to such an extent, therefore I should not have deposited with that firm such amount of funds on my own responsibility should the opportunity have occurred.

R. C. HAZLEWOOD.

The State of Ohio, Franklin county, ss :

R. C. Hazlewood, whose signature is appended to the foregoing deposition, was by me sworn to truly testify before the committee of the Senate of the State of Ohio, in respect to such matters as they should inquire of him. Given under my hand this 20th day of March, A. D. 1856.

JNO. G. MILLER,

Justice Peace of Montgomery township, Franklin county.

Justices fee, 25 cents.

QUESTIONS TO WASHINGTON W. CONES.

Question 1. Are you or have you been a member of the firm of W. W. Cones & Co.?

Ans. I was a member of the firm of W. W. Cones & Co.

Quest. 2. What was the business of that firm? and who were the partners? Please name them?

Ans. Dealing in exchange and money. Thomas Heaton and W. W. Cones composed the firm.

Quest. 3. What sums of money belonging to the State or under the control of the State Treasurer were deposited with you or to your firm?

State the dates and amounts of the several deposits or loans, and by whom made? and also by whose order or direction were they made?

Ans. About the first Nov., 1853, our firm got of Mr. Breslin \$10,000, to be paid in New York, free of cost, January 1, 1854; the next transaction was an amount of about \$30,000, which had been deposited with our firm by the treasurer of Butler county, which we agreed to pay, and paid the first of July following, in New York, free of charge. Some time during the same year Mr. Breslin received of some party or parties a certificate of deposit of ours for about \$8,000, which was paid him during the fall of the same year, which closed our transactions to some time in Dec. 1854, at which time we were employed to buy an amount of exchange for Breslin; having a large amount of money on deposit from the counties of But-

ler and Hamilton, a portion of which certificates of deposit were transferred to Mr. Breslin, and one of them, the one for \$10,000 made in Breslin's name. Of the whole, Breslin came into possession of between ninety seven and ninety-eight thousand dollars; fifty thousand of which has been paid; the balance we still owe. In all these cases we were to furnish exchange free of cost, being all the consideration paid.

Quest. 4. What agreement or agreements were made, and what understanding existed between the Treasurer of State and yourself or any other person on your behalf, or on behalf of W. W. Cones & Co.?

Ans. Included in the above.

Quest. 5. Was there any agreement or understanding between W. W. Cones & Co., or any person on their behalf, and the Treasurer of State as to the time such sums of money or any of them were to remain on deposit?

Ans. All payments were to be paid the first of January and July.

Quest. 6. Did the Treasurer of State at any time instruct or authorize you or W. W. Cones & Co. to take the paper or notes of the Kanawha Bank in payment of taxes or debts due the State? And did said firm, or did you take such paper or notes accordingly? and to what amount, and how was the same disposed of?

Ans. The treasurer never gave us any such authority.

Quest. 7. What interest had J. G. Breslin, Esq., late Treasurer, in the Kanawha Bank? State the character and amount of such interest, if any?

Ans. I decline answering.

Quest. 8. Did said J. G. Breslin, while Treasurer of State, use the moneys, funds, or credits of the State, or direct or allow them to be used to sustain the credit of the circulating notes of the Kanawha Bank? If so, in what manner, and to what extent?

Ans. Not to my knowledge.

Quest. 9. What is the amount or balance now due from the firm, or late firm of W. W. Cones & Co., or from you to the State, or to John G. Breslin, Esq., late Treasurer of State? Is the payment of such amount or balance secured? If so, how? State particularly.

Ans. Answered in answer to Question 3d, except the last clause; the money is not secured.

The within answers were given to me by W. W. Cones, as his answers to the annexed questions propounded by the committee of Finance.

ALFRED KELLEY, Chairman.

PROTEST OF MR. GIBSON (TREASURER OF STATE,) AGAINST THE ACTION OF THE SENATE.

OFFICE OF TREASURER OF STATE, }
Columbus. Feb. 12, 1856. }

Hon. THOMAS H. FORD,

President of the Senate:

I am in receipt of Senate resolution passed yesterday, in these words:

Resolved, That the committee of Finance be instructed to ascertain and report to the Senate the amount, character, and condition of the funds in the treasury, and

that, for this purpose, they be authorized to employ some competent accountant to assist them in making the necessary examination.

The language of the statute requiring the treasurer to submit to such examination, is as follows :

" That the treasurer shall, as often as required, submit his books, accounts, and vouchers, and the funds in the treasury, to the inspection of the legislature, or any committee thereof appointed for that purpose."

There is no doubt as to the intent of this provision. It is wise, and its frequent exercise *can* do no injury, and work no embarrassment.

In the discharge of an official duty, I will be expected to execute the law, which I am sworn to obey ; and I should compromise my own self-respect, if I failed to exact and demand a strict conformity with the statute upon the part of those having intercourse with this department.

With the greatest respect for the Senate, I claim that this resolution is unauthorized, and an unwarrantable interference, to which I cannot submit without doing violence to my own sense of duty, and proving myself unworthy the responsible position I occupy at the hands of the people of Ohio. I think that a wise prudence requires that we proceed under the law, and confine ourselves within the line of authority. I claim that a standing committee in one branch is not a committee of the legislature, and cannot be made such by resolution. The House and Senate, in my opinion, must concur in the selection of this committee, and in making the proposed examination.

As now impressed, I will not recognize any examining committee from the Senate for the reasons indicated.

There is one provision of this resolution which would be inadmissible, if it were sanctioned by the legislature as such. It will not be seriously claimed that the legislature can subject this office to an examination by an irresponsible stranger, acting in aid of any committee as "accountant." I protest against this, and will only submit to an examination by *the legislature or a committee thereof*.

Although ready to submit to an examination at any time, I insist that it shall be *legal* ; and for the reasons assigned, I feel constrained to decline an investigation at the hands of the "Finance committee" of the Senate and their accountant.

There will be no difficulty in comprehending the accounts in this department, and it will afford me great pleasure to place my clerks at the service of a proper committee, and to do all in my power to facilitate their labors.

Allow me to beg the appointment of a committee under the statute, and I will at once confer with the members, and arrange for the time and mode of examination.

Ready to submit to any constitutional and legal requirement, I shall be equally determined in my purpose to maintain the independence and efficiency of this department whilst I am its head.

I have the honor to be, very respectfully,

W. H. GIBSON,
Secretary of State.

THE POWER TO APPOINT INVESTIGATING COMMITTEES.

The committee on the Judiciary, to whom was referred a resolution of the Senate (accompanied by a communication from the Treasurer of State) instructing them to inquire and report to the Senate whether it is competent for one branch of the General Assembly to appoint a committee to examine into the condition of the Treasury, have had the same under consideration, and now report :

1st. That in their opinion it is competent for either branch of the General Assembly, whenever it may deem it necessary to a proper discharge of its legislative duties, to appoint a committee from its own body, to make an examination of the treasury, without any statute on the subject.

The powers conferred by the constitution are full and ample. The whole legislative power of the State is vested in the General Assembly, consisting of a Senate and House of Representatives, and to *each* house is expressly given all powers necessary to the transaction of its business. Without this express delegation of power, it would doubtless be correct to hold, that each branch of the General Assembly possessed, as incident to a proper exercise of its legislative functions, the power to appoint the committee in question. And any law which the General Assembly have heretofore passed or may hereafter pass on this subject, can in no wise circumscribe or limit the power thus granted. The purpose of such a law, is *not* to prescribe a rule for the action of the General Assembly or either branch of it, but to make known its will to the official. When that will is made known through the instrumentality of a resolution of either branch of the General Assembly, it is as much entitled to be respected and obeyed by the officer as would a joint resolution or a formal act.

2d. The view we have taken of the constitutional provisions bearing upon this subject, would perhaps justify us passing unnoticed the existing law commented upon in the communication above referred to. We will, however, merely add, that we have carefully examined and considered that statute, and that were it necessary to derive the power in question from an act of the General Assembly, we should have no difficulty in holding that a committee appointed by the Senate *was* a committee of the General Assembly, within the meaning and intention of that law.

JOHN T. BRAZEE,
E. A. SPENCER,
STANLEY MATTHEWS,
H. GRISWOLD.

[A.]

THE CLAIM OF OLIVER P. BOYER.

AUDITOR OF STATE'S OFFICE, }
Columbus, Feb. 18, 1866. }

To the President of the Senate,

SIR :—In answer to a resolution of the Senate I herewith transmit copies of all papers on file in this office relating to a claim of Boyer against the Dayton Lunatic Asylum, the payment or auditing of which has been refused at this office for reasons set forth in the answer of my predecessor to an application made to the upreme Court of Ohio for a writ of mandamus.

Since the hearing and refusal to grant the writ, owing to an opinion expressed by the court that the commissioners were to be the sole judges of *kind, price and quality*, I audited and drew a warrant on the Treasurer for all of said bill except the two brochatelle tete-a-tetes, \$146 87, and the two French sofas, \$162 58.

Respectfully,

F. M. WRIGHT, Auditor.

[B.]

DAYTON, January 17, 1855.

State Lunatic Asylum near Dayton, per P. P. Lowe, Esq.,
Superintendent,

To Oliver P. Boyer, Dr.

Tete-a-tete No. 1, carved, upholstered in brochatelle	\$58 75
Tete-a-tete No. 2, same as No. 1.....	58 75
French sofa, No. 3, sweep-backed, upholstered with maroon plush, and carved	65 03½
French sofa No. 4, same as No. 3.....	65 03½
12 parlor chairs, french stitched, upholstered in brochatelle, carved fronts and backs, No. 5	126 75
8 centre tables, marble tops, rosewood, mahogany, and walnut, No. 6	201 00
One medallion carved table, legs and stretcher carved, rosewood, No. 7	100 09
One plush arm chair, carved, plush on the back, tufted, No. 8	37 00
One brochatelle arm chair, upholstered in brochatelle, tufted, No. 9...	36 87½
One brochatelle arm chair, (same as No. 9) No. 10.....	36 87½
One oval backed arm chair, carved, upholstered in French stitch, No. 11.....	36 80
Total cost of labor and materials.....	\$822 95
Add 25 per cent. or one-fourth according to contract of Nov. 9, 1854..	205 73
Makes the amount	\$1,028 68

State of Ohio, Montgomery county, ss :

Personally appeared before me, George W. Malambre, a Notary Public in and for said county, Oliver P. Boyer, who makes solemn oath, and says that the above account contains a true statement of the cost of every article therein mentioned, with added one-fourth or twenty-five per cent. as a profit, according to contract.

Sworn and subscribed in my presence this 17th }
day of January, A. D. 1855.

OLIVER P. BOYER.

Witness my hand and Notarial seal,

GEO. W. MALAMBRE,
Notary Public Montgomery county, Ohio.

The State of Ohio, Montgomery county, ss :

Personally appeared before me the undersigned, Notary Public for the county of Montgomery, Ohio, Michael Ohmer, Wm. H. Gillespie, and John Mitchell, who being duly sworn, say that they are furniture makers, and carrying on business in the city of Dayton, Ohio. That they have each examined the attached bill of furniture of O. P. Boyer, amounting to the sum of \$1,028 68, marked "A," and sworn

to by said Boyer on the 17th of January, 1855, before Geo. W. Malambre, Notary Public, and they also say that they also examined particularly the furniture therein specified, at the Ohio State Lunatic Asylum at Dayton, and find that the wood-work of the furniture named in said paper marked "A" is a medium class of wood-work, made of good, substantial material, and that the upholstering of the same is made of good, substantial material, and the upholstering work is done in a good and substantial manner, and that the prices affixed to the articles in said bill are fair and reasonable. That furniture of the same kind is made in this city, costing largely more than the furniture in said bill. The said Gillespie says he has been in this business for the last 18 years, and the said Ohmer says he has been in this business since 1843, and the said Mitchel says he has been in this business for six years, and further sayeth not. That the profits of this kind of work is from 25 to 30 per cent.

M. OHMER,
W. H. GILLESPIE,
JOHN MITCHELL.

Sworn to before me and subscribed in my presence this sixth day March, A. D 1855.

ELY BOOTH,
Notary Public Montgomery county, O.

State of Ohio, Franklin county, ss :

Personally appeared before me, Francis Collins, a Notary Public within and for said county, Daniel Richmond, of the city of Dayton, in the county of Montgomery and State aforesaid, who being duly sworn, says he was, on the 14th March, 1855, present with Oliver P. Boyer at the Auditor's office of said State, and heard said Boyer then and there demand payment of William D. Morgan, Auditor of said State, of the account hereto attached, dated Dayton, January 17, 1855, said account being for furniture furnished by said Boyer to the State of Ohio for the use of the new Lunatic Asylum near Dayton, and said affiant did then and there hear said Morgan refuse to pay said account.

Sworn to before me and subscribed in my presence }
this 15th day of March, 1855.

DANIEL RICHMOND.

Witness my hand and seal Notarial the day and year last aforesaid.

FRANCIS COLLINS,
Notary Public Franklin county.

State of Ohio, Montgomery county, ss :

Personally appeared before me, P. P. Lowe, who being duly sworn, says, that as the agent of Mr O. P. Boyer, he presented the within account against the State for furniture amounting to \$1,028 68, to Wm. D. Morgan, Auditor of State, and he declined to pay by an order on the Treasurer of State, and further sayeth not. And said Lowe also says, that only \$1,653 75 of the appropriation of \$22,000 designed for the Asylum at Dayton—

Sworn to before me and subscribed in my presence }
this 2d day of April, 1855.

P. P. LOWE.

J. D. LOWE,
Notary Public Montgomery county, O.

We, the undersigned, commissioners of the two new lunatic Asylums, do certify that the within bill of furniture, amounting to the sum of \$1,028 68 of O. P. Boyer, furnished for the Ohio Lunatic Asylum at Dayton, is just and true, that the same is delivered to us at the Asylum, and was made in conformity to a contract made with P. P. Lowe, Superintendent of the Asylum at Dayton, dated 9th Nov., 1854. That the same is justly due from the State to said Boyer, and ought to be paid.

H. A. ACKLEY,
CHAS. CIST,
DANL. B. WOODS,
P. P. LOWE,
C. M. GODFREY,
C. B. FEE.

Commissioners of two new Lun. As. at Dayton and Newburgh.

O. P. BOYER *vs.* WM. D. MORGAN, AUDITOR OF STATE.

To the writ of the Supreme Court of Ohio, commanding me, as Auditor of State, to issue an order in favor of O. P. Boyer, on the Treasurer of State, in payment of a certain bill for ornamental furniture, amounting to the sum of one thousand and twenty-eight dollars and sixty-eight cents, or on default to show cause therefor before said court on the first Monday of May, I make this answer :

The bill on which the payment from the treasury of Ohio, of the above sum of one thousand and twenty-eight dollars and sixty-eight cents, is claimed, embraces the following articles purchased at the prices named by the trustees of an asylum established at Dayton for the reception and treatment of lunatics :

2 Tete-a-Tetes, carved, upholstered in brochatelle	\$146 87
2 French Sofas, sweep backed, upholstered with maroon plush and carved	162 58
12 Parlor Chairs, french stitched, upholstered in brochatelle, carved fronts and backs.....	158 44
8 Centre Tables, marble tops, rosewood, mahogany and walnut	251 25
1 Medallion carved table, legs and stretchers, carved rosewood	125 11
4 Plush arm chairs, carved, upholstered in brochatelle, &c.....	184 43
Total.....	\$1,028 68

I have declined to draw my warrant on the State treasury in payment of the above purchases, for the following among other reasons :

1. Because on examining and adjusting the bill as the law required me to do, I did not find the same correct—being exclusively for articles which have no possible necessary connection with the purposes of a building intended for the comfort, custody and uses of madmen.

2. Because the State Legislature never authorized the purchase of the articles specified in said bill ; but on the contrary, when asked by the trustees for an appropriation of \$30,000 for the furniture of each asylum, to be (as they voluntarily said) "*of a plain, substantial kind,*" and for the purpose of covering all other expenses of the institution for one year, the legislature being determined to confine the purchases of furniture to such as was strictly plain and necessary, rather than ornamented and useless, refused to grant the thirty thousand dollars asked, and voted no more than \$22,000, and this latter amount to include the salaries of officers, payment of attendants, purchase of medicines, instruments, provisions, and every other item of expenditure pertaining to the maintenance of the institution for a full year.

3. Because the language, as well as the spirit of the particular clause of the appropriation act under which the payment of this bill is claimed, excludes the allowance of bills such as that contracted with Boyer by Lowe. It reads thus :

"For bedsteads, beds, bedding, chairs, tables, table-ware kitchen utensils, and salaries of physicians and attendants, and for medicines, instruments, provisions, fuel and labor, the sum of twenty-two thousand dollars each, for the lunatic asylums at Dayton and Newburgh."

Here are three distinct classes of furniture authorized and provided for. First—Bedsteads, beds and bedding for chambers. Second—Utensils for kitchen use. Third—Tables, table-ware and chairs. These comprise and designate specifically every class and description of furniture which is essential to the substantial comfort and true respectability of an institution organized with a view to practical benevolence. The purposes of such an establishment are of a plain, business character—the alleviation of human misery—not the pampering of ostentatious pride ;—and whilst a great State may well bestow its bounty by hundreds of thousands on the one, it may rightfully deny a single cent for the other. If the curative purposes of the institution shall not be attained as they should be, its glittering parlors and senseless ornament will not furnish a lure sufficiently attractive to divert from its managers the contempt which they deserve. On the other hand, if its humane and beneficent objects are successfully accomplished, all the French stitched upholstery, carved furniture, dazzling chandeliers, rich carpeting, and costly statuary and paintings that might be accumulated within its useless show-rooms, would add nothing to the substantial honor of the institution or to the true glory of the State. Trappings like these may be necessary to give attractiveness to the *saloon of a fashionable restaurant*, but they cause no additional satisfaction or delight to those who after contributing their bounty for the simple objects of practical charity, visit the institution for whose support it was bestowed, for the purpose of witnessing the manner of its administration. In a land of snobbish aristocracy, costly articles of mere glitter and ornament (such as those embraced in the bill now before the court,) might be deemed necessary to impress the beholder with the *respectability* of the institution. But in this land of sound sense, and republican thoughts and habits, where the great body of the people have, either through choice or necessity, excluded such extravagant and profitless purchases from their own household, no argument can be furnished to justify or palliate an application of the public bounty to purposes so utterly useless.

Believing, therefore, that the items of expenditure included in the bill of Boyer are not within the purposes for which the institution was created, and finding neither in the language nor the spirit of the appropriation act authority for their payment, I have heretofore declined and still refuse to draw a bill on the State treasury for the amount of money demanded.

I deem it proper to answer, furthermore, that I claim that the Auditor of State is charged with other duties and responsibilities than those of a scribe and an accountant. If it were otherwise, truth would compel the confession that many of the young gentlemen performing clerical duties in the office under my charge possess qualifications superior to my own for the post I occupy. In the discharge of the high trust with which I have been commissioned by the public, and which the Legislature, in the exercise of its authority, has deemed proper by recent laws to render of increased delicacy and importance, I claim to be charged with the performance of duties which belong exclusively to the principal accounting officer of the State, and that in the discharge of these duties, my rights as a State executive officer are not open to the invasion of the judiciary. I claim that it is not within the province of the court to require the Auditor of State to believe or to act on the supposition that the words "chairs," in the act of appropriation, meant

"Tete-a-Tetes," or that "bedsteads" meant "French Sofas;" or that "one medallion carved table, with legs and stretchers, carved rosewood," bought at a cost of one hundred and twenty-five dollars, is embraced within the term "kitchen utensils." To assert and exercise such a power, would be to wrest from the heads of executive department the independence of action which is essential to their distinct existence, and would degrade them to mere appendages of the judiciary. If, in any instance, the refusal of the Auditor to allow a bill presented for payment, should seem to be of doubtful propriety, his action but temporarily suspends the account until the Legislature can be called upon to say whether it was authorized. On the other hand, if the Auditor pays a claim that has not received the legislative sanction, and is in violation of its will, the amount thus paid becomes a permanent loss to the State.

If I am wrong in the instance now before the court, I am also in error in various similar cases pertaining to expenditures incurred in the name of other institutions of State charity. I regard the "approval of the Superintendent and Trustees as required by the 7th section of the act re-organizing the State benevolent institutions, passed May 1, 1854, to be simply a measure of precaution to protect the Auditor against the allowance of bills either never incurred or fraudulently made up, and for the additional purpose of preserving mutual checks in the hands of the officers themselves. Acting on this theory, and not admitting that this endorsement divests the Auditor of his ordinary discretion in the adjustment and allowance of accounts, I have refused to pay claims of various descriptions which I know to be unwarranted by law, and in bad faith towards the tax payers of the State. I deem it proper, in vindication of my action from the wrong impressions which this and other threatened applications for the interference of the court are calculated to create, to say, that among the claims not allowed at this office, have been sundry oyster bills, purchased in the name of the asylums and sought to be paid out of taxes levied on the people of the State and collected in some instances by an actual distraint of property. I have also refused the payment of confectionery bills bought under similar circumstances; and in one instance, I have found myself under the unpleasant necessity of refusing the payment of an account for five gallons of ice cream, purchased for and served up at an entertainment given in compliment to the Trustees themselves. *In all of these cases, as in others, the approval of the Superintendent and Trustee was regularly endorsed on the bills, and yet their payment was declined under a belief that such refusal was in the discretion of the Auditor, and that no State Legislature, however derelict it might have been in other matters, had been so utterly unjust to their common constituency and so regardless of the honesty and frugality with which public charities should be administered, as to have intended any portion of the money which they levied on the property of the State for the ostensible support of benevolent institutions to be used in the purchase of articles which it is safe to assert have never in a single instance entered into the individual or family consumption of one-tenth of the property-holders of Ohio.*

If it was the intention of the State Legislature to take all discretion in the allowance of these accounts from the State Auditor, it was certainly a strange and inexplicable coincidence, that at the same session, and for the first time, it should have abolished the old established system of placing the entire fund appropriated for the support of each institution subject to the direct control of the Trustees at a single draft, and adopted instead thereof a new system that requires every account to be presented to the Auditor before the money claimed thereon can be obtained from the treasury. Under the old system, the money could be drawn at the will of the Trustees, and just in such amounts as their convenience demanded. With a very slight amendment of the old law, the vouchers pertaining to the

expenditure of the money thus drawn for the use of the benevolent institutions might have been made returnable to the State Auditor's office at the close of the year. With a plan for securing a detailed statement of the disbursement of the funds in question, at once so plain and so easy of attainment as this amendment would have effected, certainly the Legislature would not have forbidden the payment of any portion of money from the treasury except on the Auditor's warrant issued to each individual claimant, and payable only at Columbus, had it not been for the purpose of guarding, before it was too late, against the application of the appropriations to purposes and in a manner not contemplated by law.

In conclusion, I respectfully protest against the right of the court to compel the Auditor to draw from the treasury money which was never appropriated to the purposes for which it is demanded. Without justly subjecting myself to the imputation of presumption, I think it may be conceded in view of my position in connection with the revenues, that I am sufficiently familiar with the purposes of the appropriation for the Dayton and other asylums, to relieve the court from the necessity of imputing to itself the possession of superior knowledge. Or, if my individual official familiarity with this subject, is entitled to no respect, then I claim that the statements of the chairman of the Finance committees of the two houses of the Legislature are entitled to consideration which should not be disregarded. Mr. Atkinson, chairman of the Senate committee, on being furnished a copy of Boyer's bill, writes that the Trustees "have overstepped the bounds of propriety and contracted liabilities for a description of furniture unsuited to the building to be furnished, *not authorized by the Legislature*, nor even contemplated by themselves in making their estimates and upon which estimates the Legislature acted when making the appropriation." Mr. Makenzie, chairman of the House committee, writes to the same effect—the letters of both gentlemen being on the files of the State Auditor's office.

In giving my reasons for refusing in this, and in other instances, to permit my arm to be put into the treasury to draw money therefrom for uses which the laws do not allow, I have spoken under the belief that the public treasury has not been thrown open to the will of the various functionaries connected with the public institutions without the possibility of restraint in cases of emergency. I adhere to this opinion, and whilst protesting with the frankness which the peril on which my rights as an officer are placed, I respectfully ask the court to bear in mind that they have already received indubitable evidence of my readiness to pay all proper deference to their opinions, even when that deference was sure to bring with it a degree of denunciation, bitterness and popular indignation the effect of which must endure through life. I make no complaint of this: I acted on a decision which, whether right or wrong, I believed to be within the province of the court to make, and the consequence of that action, personal and official, will be borne without the pain of a remorseful thought. But having obeyed the authority of the court in that memorable instance—having, in deference to what it claimed to be its rights, and in obedience to its judgment, required the people of Ohio to pay their taxes even to the last cent of their credits, I now ask that the same court under whose decision this was required, will not claim the power of stripping the Auditor of his lawful discretion, and take upon itself the authority to direct that the taxes thus assessed—taxes thus paid—be applied to purposes not authorized by the words of the statute nor by the intention of the Legislature and equally unjust to the people and disgraceful to the State administration under which it is suffered to occur.

W. D. MORGAN,
Auditor of State.

AUDITOR OF STATE'S OFFICE, OHIO, Columbus, May 7, 1855.

FROM THE HON. ROBERT J. ATKINSON, CHAIRMAN OF THE FINANCE COMMITTEE OF THE SENATE OF OHIO—SESSION OF 1854.

WASHINGTON, January 26, 1855.

SIR—I have the honor to acknowledge the receipt of yours of 23d inst., addressed to me as "Chairman of Finance Committee, Senate of Ohio," covering several bills for expenses incurred in furnishing new Lunatic Asylums at Dayton and Cleveland, Ohio, which have been presented to you for allowance, and asking me to say to you "whether the last legislature intended the taxes which they assessed to be thus applied?" Also, informing me that Mr. Lowe, the Superintendent of the new Lunatic Asylum, at Dayton, "threatens to apply to the court for a mandamus on the ground that the legislature did not intend to give the Auditor authority to refuse the payment of anything, however monstrous, which the officers of the institution think proper to allow."

The bill presented for the Asylum at Dayton is for the following articles :

2 Tete-a-tetes, carved, upholstered in brochatelle	\$146 87
2 French sofas, sweep-backed, upholstered with maroon plush, and carved	162 58
12 parlor chairs, french stitched, upholstered in brochatelle, carved fronts and backs	158 44
8 centre tables, marble tops, rosewood, mahogany, and walnut	251 25
1 medallion carved table, legs and stretchers carved, rosewood	125 11
4 plush arm chairs, carved, upholstered in brochatelle, &c.	184 43
	<hr/>
	\$1,028 68

The above is the most extravagant bill of the three enclosed, and, it seems to me, bears on its face evidence either of most exorbitant prices charged by the manufacturer, or that the furniture is of a description not only never contemplated by the legislature, but more fitted to adorn the palace of a potentate, than a building erected by a plain republican people for the accommodation of their unfortunate insane. I am not surprised, therefore, that you, as the accounting officer of the State, should hesitate before auditing and allowing a bill of this character.

The trustees of the new Lunatic Asylums made a report to the legislature at the last session thereof, in which they set forth the insufficiency of former appropriations, and the necessity of additional appropriations for the purpose of completing the two new Lunatic Asylums then in process of erection. In that report they gave estimates of the amounts that would be needed for various purposes, viz : heating apparatus, plumbing, cooking range, &c. In these estimates was included the following :

"The furniture of each Asylum to be of a plain substantial kind, including 150 bedsteads, beds and bedding, chairs, tables, table-ware and kitchen utensils, salaries of physicians, and attendants, for one year, with medicines, instruments, provisions, fuel, labor, &c., thirty thousand dollars."

This amount was considered too large by the committee on Finance, and they recommended that the appropriation be reduced to some twenty or twenty-two thousand dollars (the precise sum I do not remember) which was concurred in by the Senate and House of Representatives. Thus, it appears that the Trustees themselves, in furnishing their estimates, specified "*furniture of a plain and substantial kind*," and for the purpose of more effectually limiting them to that description, the legislature *reduced their estimate some fifty per cent.* It seems to me, then, very clear that the Trustees or Superintendents, in making purchases similar to the above, have overstepped the bounds of propriety, and contracted liabilities for a description of furniture unsuited to the buildings to be furnished, not authorized by the

legislature, nor even contemplated by themselves in making their estimates, and upon which estimates the legislature acted when making the appropriations.

I have, therefore, no hesitation in saying that in my opinion the legislature did not intend that "any portion of the taxes they assessed" should be applied to the purchase of costly and elaborately carved and ornamented furniture of the above description; but that, in the language of the Trustees, the furniture purchased should be of a "plain and substantial kind," and that the expenditures throughout should be regulated with a strict view to *economy*. No better evidence of this latter fact need be desired than that the legislature reduced each of the estimates made by the Trustees, from forty to fifty per cent.

I have been unable to procure a copy of the laws of Ohio, in this city, and, therefore, must rely solely on my memory, relative to the extent of the authority vested in the Auditor of State over disbursements made, or liabilities incurred by the officers having charge of the public institutions.

The Auditor of State is the chief accounting officer of the State. It is a part of his duty to see that no money is drawn from the Treasury except in pursuance of appropriations made by law. All accounts and claims against the State which are payable at the State Treasury, are revised and adjusted in his office. In making this examination and revision, he not only inquires whether the calculations are accurately made, the vouchers in proper form, but whether the expenditure was authorized by law, as well as whether money to pay the same has been appropriated. And if the expenditure is unauthorized by law, or there is no appropriation applicable, he cannot draw his warrant on the Treasury for the amount. This, at least, is my view of what should be the law on the subject. For if the Auditor of State has no authority or right to judge whether the expenditure is authorized, or such as was contemplated by law, then there is no check whatever against improvident expenditures. In fact, if the mere discretion of the Trustees or Superintendents is to govern, there is but little need of an accounting officer to examine and adjust their accounts at all, or at best he is but a machine, and his examination and adjustment a mere matter of form. Such a view of the powers and duties of the Auditor of State would reduce him to a mere clerk, to register and keep an account of the various amounts expended by disbursing officers or agents, in place of a high officer charged with the important duty of *examining*, carefully scrutinizing and investigating all accounts and claims presented at the Treasury for payment, so that improper or improvident expenditures shall not be made. The protection of the Treasury and the people depend upon preserving these powers unimpaired and resisting all encroachments upon them. The last Legislature passed an act providing, in substance, if I recollect aright, that the moneys appropriated for the different State Institutions should only be drawn from the Treasury upon the production of proper vouchers, showing for what purpose the expenditure had been made, or liability contracted, certified as correct by a majority of the Trustees having the Institution in charge, and *approved by the Auditor of State*. The intention of the Legislature in passing this law was to provide additional guard against improvident expenditures. If that has not been accomplished, and I am mistaken as to the general powers and duties of the Auditor, then, indeed, I suppose there is no remedy, however monstrous or improper the expenditure may be.

Very respectfully,

Your obedient servant,

R. J. ATKINSON,

Chairman Finance Committee, Ohio Senate.

HON. WM. D. MORGAN, Auditor of State.

FROM HON. JAMES MACKENZIE, CHAIRMAN OF FINANCE COMMITTEE OF
THE HOUSE OF REPRESENTATIVES—SESSION OF 1854.

KALIDA, January 28, 1855.

DEAR SIR:—I have received the copies of bills of the Benevolent Institutions forwarded by you, and in reply to your inquiry "whether the last Legislature intended the taxes assessed to be thus applied," I may say that I think *not*. These bills do not, in my judgment, exhibit the class of expenditures designated in the appropriations made for the maintenance of the Benevolent Institutions of Ohio. The intent was to deal liberally but frugally with the public money, and especially to guard against a too prevalent disposition to wrest the State bounty to purposes of wastefulness and extravagance.

You also inform me that your right to pass upon the propriety and necessity of the expenditure in these and other similar bills, and refuse drafts for their payment, is denied, and a *mandamus* threatened on the ground that the authority is wanting in you to do so after the officers of the Institution have allowed the claim. It certainly was not expected, in conferring the power on you to audit these accounts, that you would, without urgent occasion, refuse to audit bills when duly approved by the officers of the Institution authorized to examine and approve; yet, the Legislature did not intend the exercise of your duty to be an unmeaning form, and that in cases where your interposition was required, you should prove only an additional screen and cover for wastefulness. On the contrary, so far as I have the means of judging, the enactment of section seven of the act making appropriations for the years 1854 and 1855, was, because the enactment of the previous year to secure accountability in compliance with the provisions of the Constitution, had been disregarded in regard to accounts of disbursements by the officers of these and other Institutions. Appropriations to these Benevolent Institutions, as you know better than most men in the State, had heretofore been made without any means of estimating accurately what was really required, or testing the propriety of the general expenditure (aside from salaries) beyond the comparison in gross of expenses in previous years; no detailed statement of disbursements, "the date and amount of the several payments, the person or persons to whom paid, and upon what accounts," was accurately stated, and no means existed of determining the economy or extravagance with which the State's bounty was disposed of when appropriated. To put a check upon improper outlays, and to offer a data for retrenchment, if necessary, this section was originated in the committee of which I was chairman, and with the design that you should, besides keeping a record of vouchers, exercise auditorial powers where required. And this I think was the intent of those members of both Houses, with whom I had any conversation, when the enactment was made. Still, the language used may have failed to convey this clearly; and of this, of course, each one must be judge of himself. But I cannot help believing that if the courts are appealed to (in the event of your concluding to refuse to audit these bills) and should consider these bills vouchers for expenditures "*duly incurred*," they *may* exercise their mandatory power to compel allowance and payment; but as to your right and duty, under the law, to pass upon the character of the bills of articles presented, as your judgment may dictate, I do not anticipate that it will be interfered with. The bill for the State Lunatic Asylum near Dayton, presented by Mr. Boyer, and approved by P. P. Lowe, appears to me to be especially extravagant, while the character of the furniture forbids its being substantial. It, as well as that for the Newburgh Asylum, (which is comparatively reasonable,) is doubtless designed for officers and reception rooms, and not for the use of patients of the Asylums. Reasonable liberality and good taste is due to the State and to those who take charge of the Institution, but this might be ex-

exercised without parlor chairs at \$158 00 per dozen, arm chairs at \$46, and medalion carved tables at \$125 00 each, and certainly is not in that way exhibited.

I may add of the other bill of confectionaries for the use of the Blind Institution, that \$16 00 for a single day, (June 7,) expended in this way, could be better disposed of. If the five gallons of ice cream at \$10 00 were intended for the pupils, it is but educating a taste for useless luxury which in after life can only be gratified by a sacrifice of substantial comforts, at least with most. If for officers' parties, it would be more becoming if they would find the means for such expenditures in their own salaries.

In rejecting such accounts you will find reproach where you ought to find support; but your own consciousness of the correctness of your action will sustain you, and I believe that the mass of our people will respect and sustain an officer of State in protecting the finances from charges made to gratify an effeminate and morbid taste for costly articles, where substantial plainness would better exhibit correct taste and an appreciation of what is required in the public service.

Respectfully,

JAMES MACKENZIE.

HON. W. D. MORGAN.

[D.]

CLAIM OF O. P. BOYER.

MR. WRIGHT, AUDITOR OF STATE—

On application for mandamus, in this case, the Supreme Court held, that the sofas and tete-a-tetes did not come within the law which authorized the purchase of "chairs, tables and kitchen furniture"—the court therefore refused the mandamus. The court were of the opinion that the Superintendent and Commissioners of the Asylum were authorized to determine the kind of chairs, tables, and kitchen furniture to be purchased, and not the Auditor of State.

J. R. SWAN.

REPORT OF THE COMMITTEE ON CLAIMS.

The standing committee on Claims, to whom was referred a resolution authorizing the Auditor of State to issue an order to Oliver P. Boyer, on the Treasurer of State for three hundred and nine dollars and forty-six cents, have had the same under consideration, and report :

That on the 9th day of November, 1854, Oliver P. Boyer, by written agreement with Peter P. Lowe, Superintendent of the building of State Lunatic Asylum near Dayton, agreed to furnish furniture for the central building of said Asylum, (except that for the kitchen and dining room,) of such quality, material and workmanship, as should be required by the said Peter P. Lowe, and to furnish the same by the 1st day of February, 1855, for which he was to receive cost, and twenty-five per cent. thereon. The Commissioners of said Asylum, certified that the furniture was delivered in conformity with said contract of the 9th November, 1854. The committee find that the said Boyer, (after the Auditor of State declined to draw an order on the Treasurer of State for said work, amounting to \$1,028 68 cents,) recovered, at law, said amount, except for the articles named in the resolution. A note from Judge Swan to the Auditor of State, which we append, favors the opinion that the Superintendent and Commissioners of the Asylum are authorized to determine the kind of furniture to be furnished, and not the Auditor of.

State. The committee are of opinion, that inasmuch as the furniture has been contracted for by the Superintendent, and delivered as per contract, as is certified by the Commissioners, and has been in use in said Asylum one year or more, the said Boyer is entitled to pay for the same, they therefore recommend that the resolution be adopted.

J. MUSGRAVE,
JOHN BEATTY,
CHAS. WARFEL.

Resolved, by the Senate and House of Representatives, That the Auditor of State issue an order to Oliver P. Boyer, on the Treasurer of State for three hundred and nine dollars and forty-six cents for two tete-a-tetes, and two French sofas furnished by him for the Lunatic Asylum at Dayton, upon a contract with the Commissioners of said Asylum.

In Senate. Referred to the committee on Claims.

[E.]

REPORT OF THE JUDICIARY COMMITTEE ON THE CLAIM OF OLIVER P. BOYER FOR FURNITURE FOR THE DAYTON LUNATIC ASYLUM.

The committee on the Judiciary have had under consideration the resolution reported to the Senate by the committee on Claims, instructing the Auditor of State to issue an order to Oliver P. Boyer, on the Treasurer of State for three hundred and nine dollars and forty-six cents, for the balance of his claim against the State, for furniture furnished under a contract with the Commissioners of the Lunatic Asylum at Dayton, and a majority of said committee on the Judiciary recommend that it be adopted.

The committee, however, desire to say, that in making this recommendation, they do not recognize the validity of the contract under which the articles mentioned in said resolution, were furnished, or the obligation of the State to pay for the articles, because of said contract. On the contrary, they are of the opinion the Commissioners had no authority to contract for the articles mentioned, and that in addition to exceeding their authority, in this instance, the Commissioners in many respects abused their authority, and have subjected the State to needless expenditures, and increased the cost of erecting and furnishing said building, by the purchase of furniture which was not needed, or if needed, of a quality not required in an institution of the kind for which they were purchased.

But the undersigned believe the articles were furnished by Mr. Boyer in good faith, and at fair prices, for articles of that quality, and as they have been used in the institution several months, by which their value is injured, so that the maker cannot be made whole by returning to him the property, a majority of the committee think the State cannot, in justice to the person who has furnished them, refuse to make payment.

But the committee recommend the payment under protest, that the same shall not be regarded as a precedent, in favor of paying any claim against the State, solely because an officer of the State has made a contract which, by law, he has no authority to make.

H. GRISWOLD,
JOHN T. BRAZEE,
E. A. SPENCER,
STANLEY MATTHEWS.

ANNUAL REPORT
OF THE
BOARD OF TRUSTEES
OF THE
MEDICAL COLLEGE OF OHIO,
AT CINCINNATI.

To the Honorable, the Legislature of the State of Ohio :

Since the date of the last report of this Board, various causes have operated to check the prosperity of the college, and thereby to retard the favorable influences upon the medical profession generally, which the Trustees have ever constantly hoped and expected to see flowing from this institution, through its dissemination of sound medical doctrines, and well established truths in relation to the physical evils of mankind.

That the teachings of such doctrines and the inculcation of such truths, have been faithfully and diligently continued by the Faculty, under all changes of circumstances, the Board believe will not be denied by any unprejudiced person ; and the delay of that progress and prosperity which the Board had a right to expect under these influences is to them a grievous disappointment, and as they believe a misfortune for the community.

Several causes have operated to produce this effect : among them, rival institutions—some of them professing to teach new systems of medical doctrines and practice,—prejudices arising from the violence of party feeling in relation to the great political and social questions of the day—and not the least among them great and general pecuniary embarrassment caused by the failure of the ordinary products of agriculture, for the two seasons previous to the last, which the more favorable yield of the last season had not at the commencement of our present session relieved.

Some changes in the Faculty have been made since our last report, but they have, in all cases, been rendered necessary from the resignations caused by impaired health.

It has always been the anxious, and as they believe successful, endeavor of the Board to fill the chairs with the best qualified professors, whose services could be obtained with little reference to anything but character and qualification, though we have always given the preference to residents of our own city or State, all other things being equal.

This last mentioned circumstance has been imputed to us as an error by some who suppose that other circumstances should be allowed to influence appointments, but we trust that your honorable body will justify our principle and our practice in this respect.

The revenues provided for the payment of the interest on the bonds of the institution, to our great regret, and notwithstanding the extraordinary efforts of the Board, have been, from the causes referred to, so much reduced that a postponement of one half year's interest has been absolutely necessary.

This unfortunate circumstance, it is to be hoped, will never again occur, as there is reason to believe an increase of revenue from each of the sources from which it is derived will hereafter be realized.

We feel proud to be able to name the following distinguished and highly qualified gentlemen, as composing the Faculty of the college :

SAMUEL G. ARMOUR, M. D., Professor of Theory and Practice of Medicine.

GEORGE C. BLACKMAN, M. D., Professor of Surgery and Clinical Surgery and Clinical Medicines.

N. T. MARSHALL, M. D., Professor of Obstetrics and Diseases of Women and Children.

THOMAS WOOD, M. D., Professor of Anatomy.

JAMES GRAHAM, M. D., Professor of Materia Medica and Therapeutics.

JOHN A. WARDER, M. D., Professor of Chemistry, Pharmacy and Toxicology.

JOHN H. TATE, M. D., Professor of Physiology, Hygiene and Medical Jurisprudence.

R. L. REA, M. D., Demonstrator of Anatomy.

And we can state that they have ably and faithfully fulfilled the duties appertaining to their several departments, which we hope they will continue to do, and thereby promote the prosperity of the institution, and increase the dignity and usefulness of the profession ; and we hope further, that the example of harmony and mutual aid in the furtherance of all things that can increase their usefulness, may, like their teachings, produce salutary effects upon the profession generally.

Respectfully submitted,

JOHN Z. FOOTE, President.

J. L. VATTIER, Secretary.

F. BALL, Treasurer.

JACOB STRADER,

M. GREENWOOD,

A. N. RIDDLE,

BEN. B. REEDEN,

THOMAS M. KEY,

WM. S. RIDGELY,

W. MOUNT,

G. W. HOLMES.

REPORT OF THE JOINT COMMITTEE

ON THE EXPEDIENCY AND REASONS FOR AN ADJOURNED SESSION.

The joint committee to whom was referred the resolution in reference to the expediency of holding an adjourned session, and to report the reason therefor, ask leave to report as follows, to wit :

Notwithstanding the General Assembly has resolved to adjourn on the 9th day of April next, to the first Monday of January, 1857, your committee deem it their duty to advert to some of their leading reasons for an adjourned session.

1st. There is manifestly a necessity for a thorough and accurate investigation into the condition of our finances, and also of the State House, Benevolent Institutions, Penitentiary and Public Works, and that such investigation, requiring much time, and care, cannot be completed during the present session, without detaining us here until midsummer, retard the progress of other legislation, besides preventing the members, thus engaged in the investigation, from participating in the consideration of bills in which their constituents are interested.

2d. In view of the fact, that the people of Ohio demand an increase of banks to meet the exigencies of our commerce, and that even the best bank plan that we shall be able now to present, may be disapproved at our next annual election, and hence create the necessity for suggesting another at an adjourned session, such as may be acceptable.

3d. It being generally conceded that it is our paramount duty, at the proper time, to present, in a definite form, essential amendments to the constitution, among which are annual sessions, single representative, and senatorial districts—Representatives to be elected annually, and Senators biennially, a thorough revision of the judiciary, and as to corporations, finance and taxation, so as to meet the wants, rights, and just demands, and expectations of the people—and to mature which, will require time and careful deliberation, and for a more correct action on which it is surely desirable that said amendments should undergo the scrutiny of the people, that the General Assembly may be better prepared to act therein ; and the joint committee on Constitutional Amendments having made a report presenting an outline of said amendments, upon which there will be a free discussion, and thus the desired result will be attained.

4th. It is seen that a considerable portion of the several hundred bills which have been introduced into the Legislature yet remain to be considered and disposed of.

And, finally, considering the fact, which is indisputable, that if this General Assembly should continue in session until all should be done that is required for the

public good and the general interests of the State, it must, of necessity, be a very long one, even with the utmost diligence and perseverance, and that even then, there might be left undone enactments which are imperatively demanded, since it is impossible to anticipate by legislation, accurately or correctly in appropriations, and in other things for two years in advance.

And, further, that the Legislature will be enabled to accomplish much more in useful legislation in two short sessions, than in one long one.

In consideration of these, besides many other reasons that might be adduced, we have no hesitation in saying that it is indispensably required, for the interest and welfare of the people of the State, that there should be an adjourned session of this General Assembly.

All of which is respectfully submitted,

FELIX MARSH,
JOS. C. BRAND,
ALFRED KELLEY,
JOS. TRUESDALE,
RALPH PLUMB,
ALFRED YAPLE.

REPORT OF THE COMMITTEE ON PUBLIC WORKS ON THE MEMORIAL OF MESSRS. TURNER, OSBORN AND MCGOOKIN.

The committee on Public Works and Public Lands, to whom was referred the memorial of William Turner, William McGookin and McDaniel Osborn, have had the same under consideration, and

REPORT:

That they find the following facts: McDaniel Osborn purchased of the State of Ohio the south-west quarter of the south-west quarter of section 32, township one, south of range 7, east, in Putnam county, Ohio; which land was conveyed to him by the State of Ohio, by deed dated March 20, 1835.

William Turner purchased of the State of Ohio the east half of the south-west quarter of section 32, township one, south of range 7, east, in Putnam county; which was conveyed to him by deed dated March 1st, 1833.

William McGookin purchased of the State of Ohio the north-west quarter of the south-west quarter of section 32, township one, south of range 7, east; which was conveyed to him by deed dated sometime in the year 1842.

The land above described was Canal land, and was sold by the State of Ohio under the impression that the State had the legal right so to do. By some error, either of the officers of State or of the United States, this land was again sold by the United States, and the original purchasers from the State of Ohio, were compelled, in order to protect their titles, to buy in the United States title.

In order to do this, we find that Mr. Osborn expended for the title to the portion of said quarter section for which he held the deed of the State of Ohio, the sum of \$120, which he paid on the 5th day of July, 1854. That in addition to the above, he expended ten dollars in traveling, and spent five days' time, for which he claims one dollar per day. That Mr. Turner, in order to protect his title, paid on the 22d of May, 1854, ninety-three dollars for the title to the south half of the east half of said quarter section, and for the north half of the east half, the sum of fifty dollars making together the sum of \$143; in addition, his expenses amounting to three dollars eighty-seven cents, and he was employed eight days, for which he claims one dollar per day. That Mr. McGookin, in order to make his title good, paid \$120, and his expenses amounting to three dollars. The time at which this money was paid, does not appear, but it is in evidence that it was paid "when the difficulty arose" with regard to the title. This seems to have been in the summer of 1854.

We think the State is bound by every principle of justice, to make the title to this land good; and think that the State is bound to pay the amounts expended by the several parties in order to make their titles good.

The amount that we find due to Mr. Turner, is for amount paid for land	
and expenses	\$146 87
Interest from May 22d, 1854, to March 22d, 1856.....	16 15
Eight days' time.....	8 00
	<hr/>
	\$171 02
	<hr/>

The amount due Mr. Osborn, is for amount paid out, and his expenses ..	\$130 00
Interest from July 5, 1854, to March 22, 1856.....	13 27
Five days' time.....	5 00
	<hr/>
	\$148 27
	<hr/>

The amount due Mr. McGookin for amount paid out, and his expenses...	\$123 00
Interest from July 5, 1854, to March 22, 1856.....	12 00
	<hr/>
	\$135 00
	<hr/>

We therefore recommend the adoption of the following joint resolution.
Respectfully submitted.

E. A. SPENCER,
E. M. PHELPS,
NELSON RUSH,
Committee.

Resolved, by the General Assembly of the State of Ohio, That the Auditor be, and he is hereby instructed, so soon as money shall be appropriated for the purpose, to issue his warrant directing the Treasurer of State to pay William Turner the sum of one hundred and seventy-one dollars, McDaniel Osborn one hundred and forty-eight dollars and twenty-seven cents, and William McGookin one hundred and thirty-five dollars.

REPORT OF THE COMMITTEE ON PUBLIC WORKS

IN RELATION TO SALE OF STATE STOCKS IN RAILROADS, &c.

The standing committee on Public Works and Public Lands, to whom was referred the resolution instructing them to inquire into the expediency of selling the interest owned by the State in Canals, Railroads, Turnpikes and Slackwater Navigation Companies, have had the same under consideration, and

REPORT:

That by the provisions of the law now in force, the Commissioners of the Sinking Fund are authorized, and when an opportunity occurs they are directed, to exchange for six per cent. stock of the funded debt of this State, or sell or otherwise dispose of for money, any and all of the shares of stock held by the State in any of the Railroad Companies, Canal Companies, and Turnpike Companies of the State, with the provision directing that said stock shall not be sold or disposed of for a sum less than the cash value thereof; and further, that the Commissioners aforesaid, shall not be compelled to exchange, sell, or otherwise dispose of, any of said stocks at less than the par value thereof, unless, in their opinion, the interests of the State will be promoted thereby.

We think this law gives to the Commissioners of the Sinking Fund all the power that is necessary in the premises, and leaves but one question for the Commissioners to decide, viz.: Whether the interests of the State will be promoted by the sale of the stocks above named, at less than the par value thereof. We think that the interests of the State will be promoted by the sale of all the stocks in all the Railroad, Canal and Turnpike Companies in the State of Ohio, at the market value of said stocks, and therefore recommend the adoption of the following resolution.

Respectfully submitted.

E. A. SPENCER,
E. M. PHELPS,
NELSON RUSH.

REPORT OF A MAJORITY
OF THE
COMMITTEE OF THE SENATE ON PUBLIC WORKS,
RELATIVE TO
PAYMENTS MADE TO JAMES B. STEEDMAN FOR STONE.

A majority of the committee on Public Works and Public Lands, to whom was referred the resolution of Mr. Buckland, directing the Board of Public Works to inform the Senate how much was paid to James B. Steedman, in Feb., 1852, for stone deposited on the Miami & Erie canal, where it passes through said Steedman's farm; also by whom, when, and for what purpose said stone were originally deposited on the canal, and where the stone came from; and also to whom was referred the report of the Board of Public Works upon that subject, beg leave to

REPORT:

That they have given the subject such examination as their other duties would allow, and find the facts to be as follows:

The State run the Wabash and Erie canal through the tract of land from which the stone in controversy were taken, and which now is, and for some years has been, the property of, and in possession of Steedman. The work was finished in the year 1840. The contractors who had that section of canal for construction carried out the rock which was taken out of the bed of the canal, and deposited it in large quantities over the land now belonging to Steedman, covering about 8 or 9 acres of that land, outside of the ground appropriated for canal uses. This stone had been lying there from the year 1838-9 until the year 1852—the State having in the mean time made no compensation to the owner for the occupation of the land.

In the year 1852, Steedman, who had become the owner of the land, claiming the stone, sold them to the State and was paid for them the sum of five hundred dollars by the then acting commissioner, A. P. Miller. No question is raised as to the value of these stone, and from the best information before the committee the price paid for them was not unreasonable. The chief enquiry, to which the attention of the committee has been directed, is, whether by the existing laws, these stone were not the property of the State, and the purchase of them by the then acting commissioner was not only unauthorized by law, but illegal.

To determine this question justly, we are compelled to examine the extent and character of the interest acquired by the State in lands and in the material which composes the soil, appropriated by her, for public uses.

The law may now be considered well settled in Ohio, both under the old constitution and the new. In this regard, they are substantially the same. Whatever doubts may have previously existed, in the profession upon this question, is set at rest by the decision made by the Supreme Court at its late sitting in Bank in the case of *John N. Geisy vs. The Cincinnati, Wilmington and Zanesville Rail Road Company*. Reserved from Fairfield county.

The Court, in the opinion delivered by Chief Justice Ranney, (which opinion we have by the courtesy of the Reporter been allowed to examine) has substantially decided that the right of the State to appropriate the lands of private individuals for public uses is founded only upon necessity and that the extent of this necessity governs and limits the right to so appropriate—that the State can appropriate no more than the present necessity requires. It decides, moreover, that the State can take only such interest as will answer the public wants, in that behalf, and that it can be held only so long as it is used by the public, and cannot be diverted to any other purpose. The Court say “the use of the property is all that the public interests require, and consequently all that can be appropriated, but being a perpetual and exclusive use, it may, and ordinarily does, cover the whole value of the property.”

These general principles being settled, it follows that the State could only appropriate such an interest in the lands owned by Mr. Steedman as the necessities of the case require, which is an easement, being the right of way, and also the right to take and use such material as is necessary to construct the canal, and no more. All else remained the property of him, in whom was vested the fee of the land, and his right to the whole land so appropriated is perfect as against every third person, and also as against the State, beyond the easement and the condemnation of such material as was necessary to the construction of the canal.

The principle is familiar in its application to highways. And the right of the owner to all timber, earth and stone in such highway is perfect as against the world except the Supervisor, who may take the same for necessary uses. But the Supervisor cannot take for any other purpose than the repair of the road, and cannot sell any part of such material. If the timber is cut down by such Supervisor, for instance, and not needed for the use of the highway, the owner may lawfully take it away. A canal is but a highway.

It appears clearly to us that the stone in controversy were not necessary to, and were not in any way employed in the construction of the canal, and we are of the opinion that the right to them was perfect in the proprietor of the land, from which they were taken. If the State afterward needed these stone there must be a new appropriation of them and compensation made to the owner. We are cited to a statute passed 1837, by which it is declared, that the title to all stone or material taken out of the bed of the canal shall be the property of the State. In this age of multiplied constitutional questions, we would be glad to avoid running into any questions of this character, but as it is necessary, we must respectfully, but we trust, modestly, express the opinion that the General Assembly had no power, or right, to pass any such enactment. If the fee of the land was in the State it is unnecessary. If the State has only an easement, and a right to appropriate such material as is necessary for construction, then the law is an invasion of the right of private property and is unconstitutional. Your committee have no doubt that the latter is the true law of the case.

There is another feature in this case, which is entitled to some consideration, which is, whether the State may not be held to have abandoned her claim to these stone, if she ever had any. They were drawn out of the bed of the canal by the

contractor and spread over the land of Mr. Steedman, then in the possession of Mr. Forsythe, covering about 8 or 9 acres of that land. No compensation for damages has ever been made to the owner. These stone were placed there in the years 1838-9. They have laid there unused for 13 or 14 years, when Steedman, coming into possession, proceeded to dispose of them. The putting them there was undoubtedly a trespass in the first instance, and the neglect of the State to use them, or to make any compensation for the use of the land may, we think, be considered tantamount to an abandonment.

We have not thought it necessary to investigate the question of title to these stone as between Steedman and Forsythe, of whom Steedman bought the land.

That is a question in which this General Assembly has no concern. Our inquiries have been directed only to the rights of the State in regard to these stone, and any question, if any, between private individuals, may well be left to a different forum.

In conclusion, the committee ask to be discharged from the further consideration of the subject.

E. M. PHELPS, }
NELSON RUSH, } *Committee.*

OFFICE OF BOARD OF PUBLIC WORKS,
Columbus, O., March 27, 1856.

HON. THOS. H. FORD, *President of the Senate :*

SIR—In answer to the resolution of the Senate, requiring the Board of Public Works to inform the Senate how much was paid to James B. Steedman, in Feb., 1852, for stone deposited on the Miami and Erie canal, where it passes through said Steedman's farm; also by whom, when, and for what purpose said stone were originally deposited on the canal, and where the stone came from, the Board report—

That there is no information in the office in regard to the payment referred to except what is contained in a receipt of which the following is a copy :

No. 52.

FEBRUARY 9th, 1852.

Received of Alex. P. Miller, acting commissioner, by the hands of John G. Isham, superintendent of repairs on the eastern div. M. & E. canal, five hundred dollars, for 2000 perches of (25 cu. feet ea.) protection stone deposited on my farm, and purchased by order of acting commissioner, at 25 cts. per perch.

\$500.

(Signed) JAMES B. STEEDMAN.

The stone in question were excavated from a rock cut in the canal during its original construction, and deposited on the adjacent grounds on both sides, the farm being at that time owned by Robert A. Forsythe.

By order of the Board,

J. BLICKENSDECKER, Jr., *President.*

R E P O R T
OF THE
COMMITTEE ON PUBLIC WORKS AND PUBLIC LANDS,
IN RELATION TO THE WARREN COUNTY CANAL.

The standing committee on Public Works and Public Lands, to whom was referred the resolution instructing them to inquire and report "by what authority and in what manner a sale was made of the Warren County Canal, whether the opinion of the Attorney General was complied with in the case, and whether such bond or security was given by the purchasers as was intended by law," have had the same under consideration, and

R E P O R T :

That the sale, so far as they are advised, was made in pursuance of the provisions of a law passed March 11, 1853, and amended by a law passed April 29, 1854. The opinion of the Attorney General was taken by the Board as to their authority under the law of March 11, 1853, and his opinion being against any action by the Board, was obeyed. Whether the opinion of the Attorney General was taken as to any action had or contemplated by the Board, under the amended law, does not appear. From the report of the Board of Public Works, it does not appear that any security was taken except the bond of the purchasers. The law does not require any thing further. The committee would suggest that various questions arising in this case, not required to be answered or investigated by the above resolution are becoming of vital importance, and need to be investigated and thoroughly understood before the meeting of the Legislature on the first Monday in January next, and therefore recommend that the subject be referred to the committee whose duty it is to investigate and report as to the condition of the Public Works of the State.

Respectfully submitted,

E. A. SPENCER,
E. M. PHELPS.

EXECUTIVE NOMINATIONS

FOR CANAL COLLECTORS, INSPECTORS, DIRECTORS OF PENITENTIARY, ASYLUMS, &c., SENT BY THE GOVERNOR TO THE SENATE, FOR THEIR CONFIRMATION DURING THE SESSION OF 1856.

CANAL COLLECTORS.

EXECUTIVE OFFICE, }
Columbus, April, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint John Paul, of Defiance county, to be Collector of Tolls at Defiance, in place of J. G. Haly, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 19, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint James W. Crooks, of Hocking county, to be Collector of Tolls at Logan, in place of E. P. Talpey, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 12, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint James H. Mitchell, of Montgomery county, to be Collector of Tolls at Dayton, in place of Benjamin M. Ayres, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, January 28, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint William M. Green, of Coshocton county, to be Collector of Tolls at Roscoe, in place of James Gamble, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 19, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Frank Miller to be Collector of Tolls at Canal Dover, in place of Benj. F. Helwig, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

To the Senate of Ohio :

If the Senate advise and consent, I appoint Arthur Wiley, of Washington county, to be Collector of Tolls at Harmar, in place of Amos Layman, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

Columbus, February 25, 1856.

To the Senate of Ohio :

If the Senate advise and consent, I appoint Solomon C. Beckwith, of Morgan county, to be Collector of Tolls at McConnellsville, in place of James L. Hanna, whose term will expire, under the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

Columbus, February 25, 1856.

EXECUTIVE OFFICE, }
Columbus, January 28, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint James Elliott, of Hamilton county, to be Collector of Tolls at Cincinnati, in place of James Cooper, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 12, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Benjamin Tresenrider, of Franklin county, to be Collector of Tolls at Columbus, in place of S. P. McIlvain, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 20, 1856.

To the Senate of Ohio :

If the Senate advise and consent, I appoint Daniel Skinner, of Butler county, to be Collector of Tolls at Hamilton, in place of James Dougherty, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 25, 1856.

To the Senate of Ohio :

If the Senate advise and consent, I appoint Mavor Brigham, of Lucas county, to be Collector of Tolls at Toledo, in place of John R. Bond, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 28, 1856.

To the Senate of Ohio :

If the Senate advise and consent, I appoint Nathaniel W. Goodhue, of Summit county, to be Collector of Tolls at Akron, in place of Frederick A. Nash, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 28, 1856.

To the Senate of Ohio :

If the Senate advise and consent, I appoint William M. Hughes, of Van Wert county, to be Collector of Tolls at Delphos, in place of George L. Higgins, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 20, 1856.

To the Senate of Ohio :

If the Senate advise and consent, I appoint Edmund H. Davis, of Fairfield county, to be Collector of Tolls at Carroll, in place of William Ewing, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 24, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Washington Miller, of Muskingum county, to be Collector of Tolls at Dresden, in place of A. C. Cockran, whose term will expire, under the provisions of the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 28, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint John H. Faxon, of Lorain county, to be Collector of Tolls at Cleveland, in place of John A. Wheeler, whose term will expire, under the Act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, Feb. 28, 1856. }

he Senate of Ohio :

If the Senate advise and consent, I appoint Carlton W. Sutphin, of Butler county, to be Collector of Tolls at Middletown, in place of Robert N. McAdams, whose term will expire, under the provisions of the act of May 1, 1854, on the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, February 28, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Henderson W. Horton, of Lucas county, to be Collector of Tolls at Maumee City, in place of T. L. Clarke, whose term will expire, under the provisions of the act of March 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, February 28, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint John W. King, of Miami county, to be Collector of Tolls at Piqua, in place of William M. Garvey, whose term will expire, under the provisions of the act of March 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, February 28, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Philip V. Hersing, of Auglaize county, to be Collector of Tolls at St. Mary's, in place of Philip V. Hersing, whose present term will expire, under the provisions of the act of March 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 19, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint David Atwater, of Stark county, to be Collector of Tolls at Massillon, in place of Thomas Blackburn, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 24, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Miles Carter, of Licking county, to be Collector of Tolls at Newark, in place of L. J. Haughey, whose term will expire, under the provisions of the act of May 1, 1856, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 20, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Nathan T. Bradford, of Pickaway county, to be Collector of Tolls at Circleville, in place of John C. Groom, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 20, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Joseph Ashton, of Scioto county, to be Collector of Tolls at Portsmouth, in place of J. F. Hitchcock, whose term will expire, under the provisions of the act of May 1, 1856, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 19, 1856. }

the Senate of Ohio :

If the Senate advise and consent, I appoint William Y. Gilmore, of Ross county, to be Collector of Tolls at Chillicothe, in place of C. W. Gilmore, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 24, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Samuel H. Kauffman, of Muskingum county, to be Collector of Tolls at Zanesville, in place of James Darlington, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

CANAL INSPECTORS.

EXECUTIVE OFFICE, }
Columbus, March 28, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Edward F. Wilson, of Cuyahoga county, to be Inspector at Cleveland, in place of Daniel Dunton, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 25, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Thomas D. Thomas, of Lucas county, to be Inspector at Toledo, in place of W. J. Findley, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, April 7, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Henry S. Pierce, of Muskingum county, to be Inspector at Zanesville, in place of James Darlington, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, April 7, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint John L. Robertson, of Summit county, to be Inspector at Akron, in place of Peter Osborn, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, April 7, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Joseph Cable, of Paulding county, to be Inspector at Junction, in place of Jay D. Morey, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, April 8, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Thomas J. Graham, of Scioto county, to be Inspector at Portsmouth, in place of O. F. Reiniger, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, March 12, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Christian Forrer, of Montgomery county, to be Inspector at Dayton, in place of John P. Achey, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

EXECUTIVE OFFICE, }
Columbus, January 28, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Henry V. Horton, of Hamilton county, Inspector at Cincinnati, in place of Valentine Eichenlaub, whose term will expire, under the provisions of the act of May 1, 1854, upon the filling of the office by the Governor and Senate.

S. P. CHASE.

DIRECTORS OF OHIO PENITENTIARY.

EXECUTIVE OFFICE, }
Columbus, April, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Jonathan D. Morris, of Clermont county; Lovell W. Babbitt, of Fairfield county; Lewis G. Van Slyke, of Franklin county; Cyrus Spink, of Wayne county, and Alfred P. Stone, of Franklin county, to be Directors of the Ohio Penitentiary, under the act entitled "An act providing for the appointment of officers of the Ohio Penitentiary, fixing their compensations, prescribing their duties, and determining the manner of working convicts," passed April 8, 1856.

S. P. CHASE.

TRUSTEES OF BLIND ASYLUM.

EXECUTIVE OFFICE, }
Columbus, April 9, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint John W. Andrews, of Franklin county; John Greiner, of Franklin county, and Robert R. Sloan, of Knox county, to be Trustees of the Institution for the Blind, under the act entitled "An act to provide for the regulation and management of the Institution of the Blind and of the Deaf and Dumb," passed April 8, 1856.

S. P. CHASE.

TRUSTEES OF DEAF AND DUMB ASYLUM.

EXECUTIVE OFFICE, }
Columbus, April 9, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Theodore Comstock, of Franklin county; Henry Miller, of Franklin county, and William W. Bierce, of Pickaway county, to be Trustees of the Institution for the education of the Deaf and Dumb.

S. P. CHASE.

DIRECTORS OF CENTRAL OHIO LUNATIC ASYLUM.

EXECUTIVE OFFICE, }
Columbus, April 9, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint John Bryte, of Ashland county; Joshua Martin, of Guernsey county; Jacob R. Ware, of Champaign county; John P. Bruck, of Franklin county; T. W. Powell, of Delaware county, and Samuel M. Smith, of Franklin county, to be Directors of the Central Ohio Lunatic Asylum, under the act entitled "An act to provide for the government and better regulation of the Lunatic Asylums of the State, and the care of idiots and the insane," passed April 7, 1856.

S. P. CHASE.

DIRECTORS OF SOUTHERN LUNATIC ASYLUM.

EXECUTIVE OFFICE, }
Columbus, April 9, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Lurton Dunham, of Preble county ; Jefferson Patterson, of Montgomery county ; William H. P. Denny, of Warren county ; John W. Defrees, of Miami county ; Hibberd Jewett, of Montgomery county, and William P. Huffman, of Montgomery county, to be Directors of the Southern Ohio Lunatic Asylum, under the act entitled "An act to provide for the uniform government and better regulation of the Lunatic Asylums of the State, and the care of idiots and the insane," passed April 7, 1856.

S. P. CHASE.

DIRECTORS OF NORTHERN LUNATIC ASYLUM.

EXECUTIVE OFFICE, }
Columbus, April 8, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint J. H. Seymour, of Columbiana county ; John F. Morse, of Lake county ; Lucien Swift, of Newburgh, Cuyahoga county ; Luther D. Griswold, of Lorain county ; Philo S. Ruggles, of Newburgh, Cuyahoga county, and Joseph Perkins, of Cleveland, Cuyahoga county, to be Directors of the Northern Ohio Lunatic Asylum, under the "Act to provide for the uniform government and better regulation of the Lunatic Asylums of the State, and the care of idiots and the insane," passed April 7, 1856.

S. P. CHASE.

TRUSTEE OF OHIO UNIVERSITY.

EXECUTIVE OFFICE, }
Columbus, April 9, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint John McLean, of Hamilton county, to be a Trustee of the Ohio University, at Athens, in place of Dr. M. T. Kreider, deceased.

S. P. CHASE.

TRUSTEE OF MIAMI UNIVERSITY.

EXECUTIVE OFFICE, }
Columbus, March 25, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint Rev. Benjamin P. Aydelotte, of Hamilton county, to be Trustee of Miami University, in place of William R. Collett, whose resignation of said office has been duly received and accepted.

S. P. CHASE.

COMMISSIONERS OHIO REFORM SCHOOL.

EXECUTIVE OFFICE, }
Columbus, April 8, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint John A. Foot, of Cuyahoga county, Charles Reemelin, of Hamilton county, and James D. Ladd, of Jefferson county, to be Commissioners under the act entitled "An act to provide for the establishment of the Ohio Reform School."

S. P. CHASE.

STATE HOUSE COMMISSIONERS.

EXECUTIVE OFFICE, }
Columbus, April 8, 1856. }

To the Senate of Ohio :

If the Senate advise and consent, I appoint William A. Platt, of Franklin county, to be Acting Commissioner, and James T. Worthington, of Ross county, and Lammon G. Harkness, of Huron county, to be Advisory Commissioners of the new State House, under the "Act to provide for the prosecution of the work on the new State House, presenting the order in which it shall be done, and making appropriations therefor," passed April 8, 1856.

S. P. CHASE.

TRANSFER AGENT IN NEW YORK.

To the President of the Senate :

SIR :—The undersigned have appointed Richard M. Corwine, Esq., of Cincinnati, as "Transfer Agent," in the city of New York, agreeable to the act "Prescribing the duties of the Commissioners of the Sinking Fund, in certain cases," passed at the present session of the General Assembly, which is respectfully submitted to the Senate for its approval.

The security furnished by Mr. Corwine is a bond in the sum of two hundred and fifty thousand dollars, properly conditioned, with R. McGregor, H. Debolt, R. G. Corwine, and Isaac Bates, as sureties.

F. D. KIMBALL,
JAMES H. BAKER,
F. M. WRIGHT,
Commissioners of the Sinking Fund.

Columbus, April 9, 1856.

REPORT
OF THE
COMMITTEE ON PENITENTIARY.

The Standing Committee of the Senate on the Penitentiary, report that they have devoted as much time to the consideration of the important and multifarious duties devolving and assigned to them by special resolution, as their legislative duties would permit. It has long been an interesting theme with philanthropists, to ascertain the best and most efficient means of ameliorating the condition of that erring class of our fellow citizens, confine in prisons for the security of society. Equally or more important the inquiries and investigations of good and benevolent persons as to the best measures to be adopted, and means pursued to reform such as are incarcerated in cells, or confined in the work-shops by day and in the solitary cells of a prison by night. The subject has been fruitful in suggestions, but experience has been, and will continue to be the best arbiter. These subjects are as important to the legislature, whose duty it is to carry into execution a wise, humane, and reformatory policy towards the convicts, as it is important to the interest and protection of society, when they are released.

Among the convicts there is a great diversity of the workings of mind, arising from education, habits, associations and diverse circumstances of the various walks of life, previous to conviction. Those lowest in the depths of moral pollution, the most hardened in crime have remaining, something of the spirit of manhood—the lamp of moral sensibilities is not extinguished. Although, they know (if guilty,) that they are rightly deprived of their liberty, that society might be protected; yet they know full well that unnecessary austerity and severity is wrong. They may be awed by punishment. But their independent spirit repels unnecessary tyrannical and oppressive power. Their understanding rejects, and their hearts rebel against such oppression—they grow more callous to moral influences. Reformation under such circumstances can hardly be expected. Their hard hearts may be reached by the genial, softening influence of kindness and love. Their imprisonment must necessarily carry with it the police regulations of suitable discipline. The officers and overseers should be men of great decision of character, with a firm and persistent course, require all necessary rules and regulations for the proper discipline of the prison, to be punctiliously obeyed without partiality or hypocrisy. If favoritism is shown, or unkindness, or punishment inflicted merely because they have the power, by being clothed with a little brief authority, their perception (as quick as others) will detect it, and their sensibilities revolt at the moral influences under their direction. The State has with commendable liberality provided means of moral and religious instructions in the appointment of a chaplain.

Under the fostering care of the State, the benevolent donation of books, and the promptings of generous hearts, have induced many to make personal sacrifices to assist as instructors in Sabbath schools, and otherwise, for their benefit. The law of love, as exemplified in doing good and in holding up the great principle of doing unto others as they would be done by, loses none of its efficacy and obligation, because they are confined within prison walls. The philosophy of the human mind is such that it concedes this principle.

The foundation stone of God's government is love. This principle is the great moral lever for man to influence his fellows. Hope, the main spring of the soul, may cause them to look forward to a brighter day, when they may be restored to liberty—to friends and society. To open wide this door of hope, the Committee earnestly recommend the provisions incorporated in the bill provided for the offences of the Ohio Penitentiary, &c., lessening the time for which they were sentenced, according to a graded system of good behavior. If the convict labors industriously, obeys the rules and regulations of a good and wholesome discipline, and his or her deportment such as to commend himself or herself to the officers of the prison, why not have such pardoned out according to such a programme.

At the close of every week let their conduct be registered as long as it is continued so; let a proportionate part of the time, say a fifth, sixth, or seventh part of the time be deducted from the sentence. If they should be guilty of misdemeanor subsequently to having credits for good behavior, let a proportionate part of the term be stricken off, not enough to totally discourage such, for one or two offences, but such a drawback upon their credits, as to operate as a powerful check to restrain them from like offences. The committee are anxious to see the experiment fully tested by disciplining the prison, by the hope of having merited the favor, and receiving a pardon, being restored to all the rights and privileges of citizens. Such regulations in the law would be a bow of promise to many, who would regard it with as much satisfaction, and give as much energy in good behavior, as the husbandman regards this token in the heavens as a sure pledge that seed time and harvest shall never fail. We are not sanguine that this hope of abbreviation of their sentence would effect all for a long period, and answer all the purposes of discipline. We believe it would effect favorably a large proportion of them while in prison, and prove beneficial to those who were sooner restored to society, in consequence of such regulation. Some may be lost to every sense of duty and moral obligation, hearts so hardened, sensibilities so obtuse, base passions so long exercised their controlling influence, that the Ethiopian might as soon be expected to change his skin, or the leopard his spots, as for such to cease from their sins. It may be hard to touch a chord with such, that will vibrate with sufficient force to produce any lasting moral improvement. As it cannot be determined with any certainty who may avail themselves of such offers, let the experiment be opened to all. Let that inhuman practice of flogging be abolished as one of the relics of the dark ages. Let some other punishment than the cat be in reserve for those who cannot be reached by motives just and humane. Such punishment as inflicts wounds drawing the life's blood, and leaving scars, welting the back, until dissolving nature returns it to its native elements, should no longer be permitted. Congress has set the noble example of abolishing it in the army and navy, where subordination and strict discipline are as necessary as in a prison.

The committee think that the practice of punishing by letting such a column of water as pours through an aperture of an inch and a half in diameter, falling at a considerable distance on the head, with the head bound to a board, is detrimental to health, and may endanger the life of the subjects of it.

After all the restrictions and guards which experience and human foresight can provide against abuses, and the maintenance of wholesome discipline, we are fully

convinced that it is of more importance that the whole administration of the prison should be in the hands of good men—efficient, reliable men. The interest of the State requires it—the honor of the State demands it—the moral, mental, and physical wants of the prisoners imperiously call for reform. We are unanimously of the opinion that many of the guards, and some of the officers that have for a long time been in the employ of the State, are not men of steady habits and good moral character. That these are men of intemperate habits, that indulge in gambling, whose examples are pernicious, especially to the morals of the convicts. While the State furnishes the means for moral and religious instruction, the example of men in the employ of the State should be such as not to neutralize, or wholly destroy the precepts inculcated. Much care should be taken to employ none but such as have the reputations of good moral character. Temperate habits in the employees are indispensable (as a general rule) to the interest of the State, and the security and welfare of the prisoners. We are of the opinion that the discipline of the prison is not as efficient as it should be. It may be owing in some measure to the intercourse which many of the prisoners have with outsiders. It may be of questionable expediency whether the convicts should be employed as domestics in the family of the Warden, where they have an opportunity to learn the news, and communicate to the prisoners much which will destroy prison discipline, and their confidence in the officers of the institution.

The perquisites allowed, operate very unfavorable. The natural tendency is to increase in amount the value of such under the plea of precedence of former officers, and destroys much of the moral power and efficiency of the officers. It opens a very natural consequence of great exaggeration in the benefits and extent of the perquisites amongst the community and the prisoners, who lose confidence in the administration of the government of the institution, and opens too much a temptation to live at the expense of the State. It would, we think, be better to take away all perquisites, and give the Warden a sufficient salary that he might live by that; and it would be better that the people should know how much the officers do receive. To give time for the Warden to exercise more supervision over the subordinate officers and the convicts, the workshops, and to know better from personal observation about the condition of the prison, we would suggest the propriety of of having a commissary to superintend the provisions, and make all the purchases, thus relieving the Warden of such responsibility. Although the Senate Committee have conferred with the House Committee, and agreed that it was not expedient to present two Bills, and agreeing with most of the provisions of the House Bill, yet we are of the opinion that it would be better to have the Warden appointed by the Governor, by the consent and approval of the Senate, dispensing with the Directors, thus bringing the responsibility directly home upon the Warden, believing that his constant attention to the institution would enable him to determine better what was for the interest of the State, than the Directors, with occasional visits, could know, other things being equal. Where there are a number, responsibility would be divided, and more difficulty in giving credit where credit is due, or in detecting where wrong belongs, if it exists. It would be more economical in its administration, and democratical in principle.

The memorial of A. G. Dimmock, ex-Warden of the Penitentiary, has been referred to us, complaining that injustice has been done him by the late Auditor of State, and charging him with willful misrepresentation of the truth; and setting forth, furthermore, that there must have been dishonesty with the Clerk—that vouchers must have been lost or destroyed. Through the developments made by the absconding of the late Clerk, the defalcation of the former Warden, and those lately discovered, call for a full and thorough investigation. So connected are these transactions, that to obtain a full knowledge of all the facts and circumstances, it

will be necessary to go back several years, and trace all the proceedings, examine all the books and vouchers, and have full power to send for persons and papers. The Committee have devoted more time within a few days past, than they were willing to when so much business of importance required their attendance in the Senate. They were in hopes to report more definitely. Unwilling to express opinions where the character of men who have been, or now are in the employ of the State, without time for a full investigation of all the facts, and have all the testimony that can be obtained, the Committee are of the opinion that it will be expedient to have a committee appointed to pursue the investigation during the recess of the adjourned Legislature. We have made considerable progress in such researches, and have been in hopes to present a full report at this time. It will require much time to complete it. There has been much crimination and recrimination amongst former and present officers of the institution. Some charges will undergo a judicial investigation. Justice to all, the State, and those implicated, seem to require as full and complete investigation as can be had, that those who have been guilty of peculation and injustice might suffer, and the innocent no longer suffer from false charges and calumnious reports.

LESTER TAYLOR,
J. MUSGRAVE,
R. C. KIRK.

**LIST OF MEMBERS
OF THE
GENERAL ASSEMBLY OF THE STATE OF OHIO — SESSION OF 1856.**

SENATORS.

NAMES.	COUNTY.	POST OFFICE.	PLACE OF NATIVITY.	Age	Years in State	OCCUPATION.	MARRIED OR SINGLE.
Baird, Chambers	Brown	Ripley	Ohio	44	44	Lawyer	Married.
Beatty, John	Carroll	Carrollton	Virginia	50	36	Manufacturer	Married.
Brand, Jos O	Champaign	Urbana	Kentucky	46	25	Merchant	Married.
Brazee, John T.	Fairfield	Lancaster	New York	55	38	Lawyer	Married.
Brown, O. P.	Portage	Ravenna	New York	37	27	Lawyer	Married.
Buckland, Ralph P.	Sandusky	Premont	Massachusetts	44	42	Lawyer	Married.
Bundy, H. S.	Jackson	Jackson	Ohio	38	38	Farmer and Lawyer	Married.
Burnett, Edmund	Tukeyawas	Canal Dover	Connecticut	41	23	Merchant	Married.
Cattell, J. D.	Columbiana	Salem	Ohio	41	41	Farmer	Single.
Caulfield, Herman	Medina	Medina	Ohio	38	38	Lawyer	Married.
Converse, Wm F.	Hamilton	Harrison	Vermont	41	21	Farmer	Married.
Gardner, Daniel	Licking	Johnstown	Connecticut	39		Farmer	Married.
Griswold, Hiram	Cuyahoga	Cleveland	Connecticut	48	29	Lawyer	Married.
Hamilton, C. S.	Union	Maysville	Ohio	35	35	Lawyer and Editor	Married.
Hardy, M. D.	Noble	Sharon	Maine	39	16	Farmer and Teacher	Married.
Hawley, O. G.	Lawrence	Ironton	Ohio	28	38	Lawyer	Single.
Hendon, David	Butler	Middletown	Ohio	32	32	Lawyer	Married.
Holmes, Geo W.	Hamilton	Columbia	Ohio	50	50	Farmer	Married.
Hyer, Jacob	Highland	Columbus	Ohio	36	36	Farmer and Merchant	Married.
Kelley, Alfred	Franklin	Blount	Connecticut	66	46	Farmer and Lawyer	Married.
Kirk, R. C.	Knox	Mt Vernon	Ohio	34	34	Physician & Merchant	Married.
Lawder, Wm H.	Miami	Piqua	Virginia	46	37	Minister	Married.
Lawrence, Wm.	Crawford	Washington	Ohio	41	41	Farmer	Married.
Leslie, James	Guernsey	Bucrus	Ohio	42	42	Farmer	Married.
Lunt, W. S.	Hancock	Findlay	New York	38	15	Physician and Minister	Married.

Marsh, Felix	Preble	Eaton	New Jersey	46	31	Lawyer and Farmer	Married.
Matthews, Stanley	Hamilton	Glendale	Ohio	31	31	Lawyer	Married.
McCartney, J. M.	Ashland	Ashland	Pennsylvania	44	25	Merchant	Married.
.....	Anglin	St. Marys	Connecticut	42	21	Lawyer	Married.
.....	Fayette	Washington O. H.	Ohio	41	41	Lawyer	Married.
.....	Perry	Bourne	Ohio	38	38	Lawyer	Married.
.....	Guanga	Claridon	Connecticut	57	36	Farmer	Married.
.....	Maboning	Youngstown	Pennsylvania	43	40	Cashier	Married.
.....	Harrison	Oadix	Ohio	48	48	Milling	Married.
.....	Wayne	Orville	Pennsylvania	54	34	Farmer	Married.
.....	Richland	Mansfield	Ohio	41	41	Attorney	Married.
.....	Franklin	Columbus	Vermont	42	17	Editor	Married.
.....	Wayne	Wouter	Ohio	35	35	Attorney and Editor	Married.
.....	Brown	Russellville	Ohio	29	29	Merchant	Married.
.....	Lorain	Elyria	Ohio	40	40	Surveyor	Married.
.....	Perry	Somerset	Pennsylvania	44	30	Printer	Married.
.....	Franklin	Columbus	Ohio	30	30	M. D.	Single.
Taylor, R. W. ....	.....	.....	.....	.....	.....	.....	.....
Warfel, Charles .....	.....	.....	.....	.....	.....	.....	.....
Wilford, Joseph .....	.....	.....	.....	.....	.....	.....	.....
Ford, Thom H., Lieutenant Governor .....	.....	.....	.....	.....	.....	.....	.....
Bacon, Wm. T., Clerk .....	.....	.....	.....	.....	.....	.....	.....
Freeman, E., 1st Assistant Clerk .....	.....	.....	.....	.....	.....	.....	.....
Shaw, G. N., 2d do .....	.....	.....	.....	.....	.....	.....	.....
Faxon, John H., Sergeant-at-Arms .....	.....	.....	.....	.....	.....	.....	.....
Shirley, J. W., 1st Assistant do .....	.....	.....	.....	.....	.....	.....	.....
Mathers, S., 2d do .....	.....	.....	.....	.....	.....	.....	.....

P E R M I T T A T I V E S .

NAMES.	COUNTY.	POST OFFICE.	PLACE OF NATIVITY.	Age	OCCUPATION.	MARRIED OR SINGLE.
Allen, Samuel M.	Logan	West Liberty	Pennsylvania	58	Minister	Married.
	Pike	Morgan's Fork	Virginia	55	Farmer	Married.
	Wayne	Dalton	Ohio	28	Mechanic	Single.
	Medina	Guilford	Vermont	46	Farmer	Married.
	Vinton	McArthur	Vermont	37	Lawyer	Married.
	Muskingum	Zanesville	Maryland	39	Farmer	Married.
	Williams	Bryan	New York	47	Attorney	Single.
	Putnam	Pt. Jennings	Germany	47	Farmer	Married.
	Seneca	Republic		30	Merchant	Married.
	Onyabuga	Newburgh		54	Merchant	Married.
	Morrow	Bennington		44	Farmer	Married.
	Richland	Oliveburgh	Pennsylvania	44	Minister	Married.
	Erie	Vermillion	Vermont	34	Merchant	Single.
	Champaign	Urbana	New York	50	Farmer	Married.
	Ashtabula	Jefferson	Ohio	34	Lawyer	Married.
	Guernsey	Winchester	Ohio	58	Farmer	Married.
	Hancock	Findlay	New York	49	Farmer	Married.
	Fairfield	Carroll	Maryland	56	Farmer	Married.
	Gallia	Patrol	Virginia	38	Attorney	Married.
	Harrison	Oedia	Ohio	30	Farmer	Married.
	Harvey	Monroeville	Ohio	38	Physician	Married.
	Hamilton	Cincinnati	Ohio	45	Citizen	Bachelor.
	Ashland	Jeromeville	Pennsylvania	39	Physician	Married.
	Shelby	Sidney	Ohio	38	Physician	Married.
	Muskingum	Fultonham	Ohio	49	Farmer	Married.
	Preble	Raton	Ohio	41	Farmer	Married.
	Hamilton	Cincinnati	Switzerland	28	Attorney	Married.
	Perry	New Lexington	Virginia	43	Physician	Married.
	Pietaway	Circleville	Kentucky	59	Farmer	Married.
	Union	Milford	Ohio	40	Farmer	Single.
	Brown	Aberdeen	Ohio	45	Farmer	Married.
	Greene	Louis	Ohio	37	Attorney	Married.
	Licking	Newark	Ohio	38	Machinist	Married.

Gaines, John F.

Gibbs, M. D.

Giffin, C. B.

Goody, William	Montgomery	Miamisburg	Pennsylvania	52	33	Farmer	Married.
Green, John L.	Sandusky	Fremont	New York	49	40	Attorney	Married
Grier, H. T.	Mouros	Bearsville	Ohio	26	26	Physician	Married.
Guthrie, E.	Morgan	Malta	Ohio	57	57	Iron Founder	Married
Haines, Seth S.	Warren	Waynesville	Ohio	31	31	Merchant	Married.
Hamilton, R.	Belmont	Morristown	Pennsylvania	52	50	Physician	Married.
Hatcher, Wm.	Stark	Marlborough	Ohio	53	53	Farmer	Married.
Hawkins, Uriah	Ashtabula	Kingsville	Rhode Island	47	5	Farmer	Married.
Hedden, W.	Delaware	Delaware	Ohio	41	41	Physician	Married.
Holbrook, David	Morgan	McConnellville	Maine	52	36	Mechanic	Married.
Holmes, Jas. B.	Hamilton	Cincinnati	Maine	42	15	Manufacturer	Married.
Hume, John F.	Marion	Marion	New York	24	16	Attorney	Single.
Hunter, John	Columbiana	East Rochester	Pennsylvania	37	11	Collier	Married.
Huntress, E. E.	Madison	Somerford	Pennsylvania	25	18	Law Student	Single.
	Washington	New Matamoras	Ohio	38	38	Merchant	Married.
	Highland	Leesburg	Ohio	43	43	Lawyer	Married.
	Summit	Mogadore	Massachusetts	40	19	Physician	Married.
	Ouyaboga	Dover	Connecticut	61		Farmer	Married.
	Hocking	South Perry	Ireland	39	19	Shoemaker and Farmer	Married.
	Hamilton	Columbia	Ohio	28	28	Farmer	Single.
	Fayette	Washington, C. H.	Massachusetts	48	18	Farmer	Married.
	Washington	Barlow	Ohio	58	58	Farmer	Married.
	Clark	Enon	Virginia	36	30	Painter	Married.
	Holmes	Mt. Hope	Ohio	39	39	Wagon Maker	Single.
	Fairfield	Millersport	Pennsylvania	45	42	Farmer	Married.
	Jefferson	Richmond	New Jersey	41	20	Saddler	Married.
	Butler	Hamilton	Ohio	29	29	Physician	Married.
	Scioto	Portsmouth	Ohio	30	21	Editor	Married.
	Columbiana	New Waterford	Pennsylvania	47	38	Farmer and Tanner	Married.
	Jefferson	Mt. Pleasant	Pennsylvania	44	38	Farmer	Married.
	Butler	Hamilton	Virginia	44	15	Farmer	Married.
	Tuscarawas	New Cumberland	Ohio	42	42	Farmer	Married.
	Lorain	Oberlin	Connecticut	34	18	Teacher	Married.
	Cuyahoga	Cleveland	Connecticut	58	48	Banker	Married.
	Portage	Brimfield	Massachusetts	51	16	Farmer	Married.
	Wayne	Big Prairie	Ohio	45	45	Surveyor and Farmer	Married.
	Noble	Middle Creek	Ohio	38	38	Merchant	Single.
	Franklin	Columbus	Ohio	37	37	Lawyer	Married.
	Adams	Scott	Ohio	26	26	Miller	Married.
	Wood	Perrysburg	Connecticut	47	26	Physician	Married.
	Crawford	Bucyrus	Pennsylvania	47	18	Farmer	Married.
	Trumbull	Burg Hill	New York	39	35	Merchant	Married.

REPRESENTATIVES—Continued.

NAMES.	COUNTY.	POST OFFICE.	PLACE OF NATIVITY.	Age.	Years in State.	OCCUPATION.	MARRIED OR SINGLE.
Plympton, Edward L.	Lake	Madison	Massachusetts	52	28	Physician	Married.
Post, Charles	Allen	Acadia	Pennsylvania	55	34	Millwright	Married.
Potts, Silas	Carroll	Mechanstown	Ohio	37	37	Merchant	Married.
Ralston, Alexander	Richland	Plymouth	Pennsylvania	50	41	Carpenter	Married.
Ricker, E. G.	Clermont	Locust Corner	Ohio	37	28	Farmer	Married.
Robinson, Geo. C.	Hamilton	Mt. Healthy	Ohio	43	43	Farmer	Married.
Rogers, Henry	Lawrence	Ironton	Ohio	27	27	Engineer	Married.
Russell, Addison P.	Clinton	Wilmingtn.	Ohio	29	29	Editor	Single.
Sawyer, Wm.	Auglaize	St. Marys	Ohio	53	52	Blacksmith	Married.
Shaw, John	Van Wert	Van Wert	Ohio	35	35	Farmer	Married.
Shepherd, Jesse	Ross	Frankfort	Ohio	49	49	Merchant	Married.
Simmons, Isaac	Noble	Batesville	Maryland	40	22	Tobacco Packer	Married.
Sinnet, John A.	Licking	Granville	Ohio	31	31	Wagon Maker	Married.
Sloough, John P.	Hamilton	Cincinnati	Ohio	27	27	Attorney	Married.
Smith, Jas. H.	Franklin	Columbus	Ohio	33	32	Attorney	Married.
Smith, B. F.	Knox	Mt. Vernon	Ohio	44	44	Farmer	Married.
Smith, Thos. J. S.	Montgomery	Dayton	Maryland	49	26	Attorney	Married.
Spelman, E. G.	Hardin	Kenton	Ohio	37	37	Attorney	Married.
Taney, Eli	Miami	West Milton	Ohio	46	46	Physician	Married.
Thomas, Ohas.	Hamilton	Cincinnati	Pennsylvania	47	26	Confectioner	Married.
Thompson, J. F.	Brown	Georgetown	Ohio	50	50	Miller	Married.
Thompson, Patrick	Coshocton	West Bedford	Ohio	38	38	Farmer	Married.
Thomson, Alfred	Meigs	Pomeroy	Ohio	29	29	Editor	Married.
Todd, L. C.	Geauga	Farman	Connecticut	61	21	Farmer	Married.
Townsend, G. T.	Trumbull	Girard	Ohio	43	43	Cabinet Maker	Married.
True, Geo. W.	Knox	Mt. Vernon	Maine	32	10	Grocer	Married.
Truesdale, Joseph	Mahoning	Poland	Ohio	51	51	Physician	Married.
Turner, Jas. N.	Belmont	Martin's Ferry	Ohio	36	36	Merchant	Married.
Turpin, E. S.	Hamilton	Newtown	Kentucky	47	45	Farmer	Married.
Underhill, Jas. W.	Stark	Massillon	New York	37	28	Lawyer	Married.
Upham, L. H.	Fulton	Delta	Vermont	44	22	Attorney	Married.
Weatherby, Daniel	Tuscarawas	Port Washington	New York	59	39	Farmer	Married.
West, William	Clermont	Williamsburg	Ohio	31	31	Farmer	Married.

Williamson, J. O	Darke	Jacksonville	Ohio	30	Physician	Single.
Yaple, Alfred	Rees	Chillicothe	Ohio	25	Lawyer	Single.
Van Vorhes, N. H., Speaker	Athens	Athens	Pennsylvania	33	Printer and Editor	Married.
Robinson, James S., Chief Clerk	Ha dia	Kenton	Ohio	28	Editor	Married.
Howells, W. C., 1st Asst.	Ashtabula	Jefferson	Wales	48	Editor	Married.
Hall, Geo. W., 2nd do	Delaware	Delaware	Vermont	29	Lawyer	Single.
Brent, N. M., Sergeant-at-Arms	Morgan	McConnellsville	Virginia	43	Shoemaker	Married.
Hamilton, H. A., 1st Asst.	Greene	Xenia	Maryland	54	Clerk	Married.
Barber, Anson O., 2nd do	Seneca	Republic	Ohio	26	Clerk	Married.

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ERRATA.

- On first page of Senate Journal, in list of Senators, for "James C.," read "Jos. C. Brand."
- Page 7, for "Wm. D. Howells," read "Wm. C. Howells."
- Page 48, fourteenth line from top, for "county court," read "code of civil"
- On bottom of page 52, for "18," read "19."
- On page 53, on fourth line from top, add "and Warfel."
- On page 75, twelfth line from bottom, insert "Mr. Brand in."
- On page 83, seventeenth line from top, for "1832," read "1852."
- On page 89, for "H. B. No. 19," read "S. B."
- On page 92, sixteenth line from bottom, in the list of negatives, insert "Lewis."
- On page 99, fifth line from top, for "H. B.," insert "S. B."
- On page 118, third line from top, for "No. 38," read "No. 3."
- On page 119, eighth line from top, for "quite," read "quiet."
- On same page, twelfth line from top, for "Guimes," read "Gaines."
- On page 238, seventh line from bottom, for "No. 22," read "No. 52."
- On page 259, seventeenth line from top, for "H. B. No. 51," read "57."
- On page 264, fourth line from top, for "H. B.," read "S. B."
- On same page, twentieth line from top, for "S. B. No. 125," read "135."
- On page 193, tenth line from bottom, for "H. B. No. 67," read "No. 57."
- On page 249, thirteenth line from top, omit "Brown" from list of yeas.
- On page 345, fifth line from bottom, for "further to prescribe the duties of county commissioners," read "to regulate insurance companies not incorporated by the State of Ohio."
- On page 406, tenth line from top, for "S. B. No. 94," read "S. B. No. 99."
- On page 530 of Index, the last seven entries of report of select committees should be near the close of Messages from the House, on page 503.



